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NEW DELHI, SATURDAY, APRIL 18—APRIL 24, 2004/CHAITRA 29—VAISAKHA 4, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 13 अप्रैल, 2004

के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और
अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/26/2004—डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

CABINET SECRETARIAT

New Delhi, the 13th April, 2004

का.आ. 992.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 32 पीसीआर 2004 दिनांक 5-3-2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से (1) श्री ए. नरसिंह राव, उप-प्रबंधक, स्टेट बैंक ऑफ हैदराबाद, हुसैनी आलम ब्रांच, हैदराबाद; (2) श्री बी. विजय कुमार, दफ्तरी, स्टेट बैंक ऑफ हैदराबाद, आर. पी. रोड ब्रांच, सिकन्दराबाद और (3) श्री एस. वी. मोहन राज, रिजर्व पुलिस उप-निरीक्षक, कुरनूल, आंध्र प्रदेश और किसी अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 120-बी सपठित धारा 420 और 468 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13(2) सपठित धारा 13(1)(डी) के अधीन दंडनीय अपराधों और तत्संबंधी सारवान् अपराधों तथा उक्त अपराधों से संबंधित अथवा संसक्त और उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण

S. O. 992.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 32 PCR 2004 dated 5-3-2004, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Section 120-B read with 420 and 468 of Indian Penal Code, 1860 (Act No. 45 of 1860) and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and substantive offences thereof, against (1) Shri A. Narasing Rao, Deputy Manager, State Bank of Hyderabad, Hussaini

Alam Branch, Hyderabad, (2) Shri B. Vijaya Kumar, Daftari, State Bank of Hyderabad, R. P. Road Branch, Secunderabad and (3) Shri M. V. Mohan Raj, Reserve Sub-Inspector of Police, Kurnool, Andhra Pradesh and any other public servant or person in relation to, or in connection with the said offences, and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/26/2004-DSPE]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 13 अप्रैल, 2004

का.आ. 993.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार के गृह (पुलिस) अनुभाग-4 की अधिसूचना सं. 7792/ख/6-4-2003 लखनऊ दिनांक 13 नवंबर, 2003 के साथ पठित श्री अजय प्रकाश वर्मा, मुख्य सचिव, उत्तर प्रदेश सरकार, लखनऊ के अ.शा. पत्र सं. डी-862/ग.वि.वि./2002, ग्राम्य विकास अनुभाग-2 दिनांक 21 मई, 2002 द्वारा प्राप्त उत्तर प्रदेश राज्य सरकार की सहमति से उत्तर प्रदेश के रायबरेली और उन्नाव जिलों में "ग्रामीण विकास संस्थान" और "पलाश" नामक गैर-सरकारी संगठनों द्वारा किए गए गबन और वित्तीय अनियमितताओं के संबंध में भारतीय दंड-संहिता, 1860 (1860 की अधिनियम सं. 45) की धारा 120-बी, सपठित धारा 409 और भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13(2) सपठित धारा 13(1)(डी) के अधीन दंडनीय अपराधों और उससे संबंधित मुख्य अपराधों और उपर्युक्त अपराध/अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध/अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/39/2002-डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

New Delhi, the 13th April, 2004

S. O. 993.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh Home (Police) Section-4 vide Notification No. 7792/Kha/6-4-2003 Lucknow dated 13th November, 2003 read with DO letter No. D-862/Gra. vi. vi/2002. Gramya Vikas Anubhag-2 dated 21st May, 2002 of Shri Ajay Prakash Verma, Chief Secretary, Government of Uttar Pradesh, Lucknow, hereby extends the powers and jurisdiction of the members of the Delhi Special Police

Establishment to the whole of the State of Uttar Pradesh for investigation of embezzlement and financial irregularities committed by N.G.O. "Gramin Vikas Sansthan" and "Palash" in Raebareilly and Unnao Districts of Uttar Pradesh under Section 120-B read with 409 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and substantive offences thereof and any other offence/offences committed and attempts, abetments and conspiracy in relation to or in connection with the said offence/offences committed in course of the same transaction or arising out of the same fact or facts in relation to the aforesaid matter.

[No. 228/39/2002-DSPE]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 994.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 33 पीसीआर 2003 दिनांक 3-3-2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री के. मंजूनाथ, तत्कालीन शाखा प्रबंधक, भारतीय स्टेट बैंक, हेब्बल शाखा, बंगलौर, श्री एच.के.एन. बालगंगाधर शर्मा, निवासी नं. 1, डी एन्क्लेव, मारुति नगर, बंगलौर और श्री एस.के. शेड्टी, निवासी 156/2, 14वां क्रॉस, डोमलूर, बंगलौर-71 और किसी अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध उनके कपटपूर्ण कार्यों के लिए भारतीय दंड-संहिता की धारा 120-बी सपठित धारा 420 और भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13 (2) सपठित धारा 13 (1) (डी) के अधीन दंडनीय अपराधों और उक्त अपराधों से संबंधित अथवा संसक्त तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/30/2004-डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

New Delhi, the 15th April, 2004

S. O. 994.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Karnataka vide Notification No. HD 33 PCR 2003 dated 3-3-2004, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Section 120-B read with 420 IPC and 13(2) read with 13(1)(d) of Prevention

of Corruption Act, 1988 against Shri K. Manjunath, then Branch Manager, State Bank of India, Hebbal Branch, Bangalore, Shri H.K.N. Balagangadhara Sharma, R/o No. 1, D Enclave, Maruthi Nagar, Bangalore, and Shri S. K. Shetty, R/o 156/2, 14th Cross, Domlur, Bangalore-71 for their fraudulent acts and any other public servant or person in relation to, or in connection with the said offences, and any other offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/30/2004-DSPE]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 995.—केन्द्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 54 पीसीआर 2004 दिनांक 19-3-2004 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्री एल. सी. सोनकर, प्रधानाचार्य, केन्द्रीय विद्यालय, बीजापुर और किन्हीं अन्य लोक सेवक अथवा व्यक्तियों के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 7 के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/31/2004-डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

New Delhi, the 15th April, 2004

S. O. 995.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Karnataka vide Notification No. HD 54 PCR 2004 dated 19-3-2004, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences against Shri L. C. Sonkar, Principal, Kendriya Vidyalaya, Bijapur, and any other persons or public servants punishable U/sec. 7 of Prevention of Corruption Act, 1988, and attempts, abetments and conspiracy in relation to, or in connection with, one or more of the offences mentioned, above, and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/31/2004-DSPE]

SHUBHA THAKUR, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 26 मार्च, 2004

(आयकर)

का.आ. 996.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (10 ग) के उपखंड (vii-ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा सोसायटी पंजीकरण अधिनियम, 1860 (1860 का 21) के अन्तर्गत पंजीकृत "एक्शन फॉर फूड प्रोडक्शन (ए.एफ.पी.आर.ओ.), 25/1ए, इंस्टीट्यूशनल एरिया, पंखा रोड, 'डी' ब्लॉक, नई दिल्ली-110058" को उक्त खंड के प्रयोजनार्थ विनिर्दिष्ट करती है।

[अधिसूचना सं. 124/2004/फा. सं. 200/59/2003-आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 26th March, 2004

(INCOME-TAX)

S. O. 996.—In exercise of the powers conferred by sub-clause (vii-c) of clause (10 C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the "Action For Food Production (AFPRO), 25/1A, Institutional Area, Pankha Road, 'D' Block, New Delhi-110058", registered under the Societies Registration Act, 1860 (21 of 1860), for the purpose of the said clause.

[Notification No. 124/2004/F. No. 200/59/2003-ITA.I]

I. P. S. BINDRA, Under Secy.

(आर्थिक कार्य विभाग)

बैंकिंग प्रभाग

नई दिल्ली, 15 अप्रैल, 2004

का.आ. 997.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2005 तक मुंबई-जमुई केन्द्रीय सहकारी बैंक लि., बिहार राज्य पर लागू नहीं होंगे।

[फा. सं. 1(6)/2000-एसी]

खड़ग सिंह, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 15th April, 2004

S. O. 997.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of Sub-section (1) of Section 11 of the said Act shall not apply to Monghr-Jamui Central Co-operative Bank Limited, Bihar from the date of publication of this notification in the Official Gazette till 31st March, 2005.

[F.No. 1(6)/2000-AC]

KHARG SINGH, Under Secy.

संचार एवं सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

(डाक जीवन बीमा निदेशालय)

नई दिल्ली, 3 मार्च, 2004

का०आ० 998.—राष्ट्रपति, डाकघर बीमा निधि नियमावली के नियम 14 के उप-नियम (4) के नीचे निम्नानुसार एक नया उप-नियम (5) जोड़ते हैं :—

नियम 14 (5)

डाक जीवन बीमा पॉलिसी लेते समय असम राइफल तथा अर्द्ध सैनिक बलों के कार्मिकों को चिकित्सा जांच से छूट।

असम राइफल तथा अर्द्ध सैनिक बलों के कार्मिकों को, जो चिकित्सा वर्ग 'एस एच ए पी ई'-1 (अधिकारियों के लिए) तथा 'ए वाई ई' (अधिकारियों के अलावा) में आते हैं, डाक जीवन बीमा पॉलिसी लेने के लिए प्रस्ताव प्रस्तुत करते समय, इस प्रयोजन के लिए चिकित्सा जांच से छूट होगी।

नियम 14 (5) के नीचे टिप्पणी : 1

यदि पॉलिसी अपने प्रतिग्रहण के बाद दावा बनती है, तो दावेदार (दावेदारों) को बीमा राशि के पूरे दावे के साथ निहित बोनस ग्राह्य होगा। तथापि, आत्महत्या के मामले डाकघर बीमा निधि के मौजूदा नियमों द्वारा विनियमित होंगे।

नियम 14 (5) के नीचे टिप्पणी : 2

संशोधित प्रस्ताव-प्रपत्र, जैसा रक्षा कार्मिकों के लिए लागू है, प्रयुक्त किया जाएगा।

ये आदेश तत्काल प्रभाव से लागू होंगे।

[सं. 29-22/99-एल आई]

वी. पति, अपर महाप्रबन्धक

MINISTRY OF COMMUNICATIONS AND IT

(Department of Posts)

(Directorate of PLI)

New Delhi, the 3rd March, 2004

S.O. 998.—President is pleased to add a new sub Rule (5) below the sub Rule (4) of Rule 14 of POIF Rules as under :—

Rule 14 (5)

Exemption of Assam Rifles and Para Military Forces Personnel from Medical Examination while taking PII Policy

The Assam Rifles and Para Military Forces personnel who are in Medical Category 'SHAPE'-I (for officers) and 'AYE' (other than officers), while submitting proposal for taking Postal Life Insurance policy, shall be exempted from medical examination for the purpose.

Now :1 below Rule 14(5)

Full claim for sum assured along with the vested bonus shall be admissible to the claimant(s) if a policy becomes claim after its acceptance. Suicidal cases shall however be governed by the existing Rules of POIF.

Note :2 below Rule 14(5)

Revised proposal form as applicable for defence personnel shall be used.

These orders shall come into force with immediate effect.

[No. 29-22/99-LI]

V. PATI, Addl. General Manager

नई दिल्ली, 1 अप्रैल, 2004

का.आ. 999.—डाकघर बीमा निधि नियमावली के नियम 10 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए और 31-03-2002 की स्थिति के अनुसार डाकघर जीवन बीमा निधि की परिसम्पत्तियों तथा देयताओं के बिमांकिक मूल्यांकन के आधार पर महानिदेशक (डाक), डाक जीवन बीमा पॉलिसियों के, मृत्यु अथवा परिपक्वता के कारण दावा बनने पर 31-03-2002 को समाप्त हुए वर्ष के लिए निम्नलिखित दरों पर साधारण प्रतिवर्ती बोनस की घोषणा करते हैं :—

बीमा पॉलिसी का प्रकार	बोनस की दर
(क) आजीवन बीमा	
(i) चालू पॉलिसी	बीमा राशि के प्रति हजार के लिए 95/- रु.
(ii) वर्ष के दौरान दावा	बीमा राशि के प्रति हजार के लिए 95/- रु. तथा प्रति पॉलिसी अधिकतम 1000/- रु. की सीमा तक 10,000/- रु. की बीमा राशि की प्रत्येक पॉलिसी पर 25/- रु. टर्मिनल बोनस
(ख) बंदोबस्ती बीमा	
(i) चालू पॉलिसी	बीमा राशि के प्रति हजार के लिए 77/- रु.
(ii) वर्ष के दौरान दावा	
(क) पॉलिसी की अवधि 20 वर्ष से कम होने पर	बीमा राशि के प्रति हजार के लिए 77/- रु.
(ख) पॉलिसी की अवधि 20 वर्ष से अधिक और 20 वर्ष के बराबर होने पर	बीमा राशि के प्रति हजार के लिए 76/- रु. तथा प्रति पॉलिसी अधिकतम 1000/- रु. की सीमा तक 10,000/- रु. की बीमा राशि की प्रत्येक पॉलिसी पर 25/- रु. टर्मिनल बोनस
(ग) प्रत्याशित बंदोबस्ती	सभी पॉलिसियों के लिए बीमा राशि के प्रति हजार के लिए 70/- रु.
(घ) परिवर्तनीय भिदादी बीमा	बीमा की संबंधित श्रेणी हेतु संबंधित अवधि के लिए उपर्युक्त के अनुसार बोनस।

2. 01-04-2002 से 31-12-2004 की अवधि के दौरान परिपक्वता अथवा मृत्यु के कारण उत्पन्न हुए सभी दावों के लिए ऊपर उल्लिखित दरों पर अंतरिम बोनस भी देय होगा (01-04-2002 को अथवा इसके बाद जारी की गई पॉलिसियों के संबंध में बीमा के प्रथम पॉलिसी वर्ष सहित)।

3. बोनस की राशि को, जिसमें 50 पैसे अथवा इससे अधिक का अंश अंतर्ग्रस्त है, अगले उच्चतर रुपये में पूर्णांकित कर दिया जाएगा और 50 पैसे कम के अंश की उपेक्षा कर दी जाएगी।

4. इसे वित्त सलाह (डाक) की डायरी सं. 511/एफए/2004 दिनांक 19-03-2004 के जरिए प्राप्त उनकी सहमति से जारी किया जाता है।

[सं. 4-1/2004-एल आई]

बी. पति, अपर महाप्रबंधक

New Delhi, the 1st April, 2004

S.O. 999.—In exercise of powers conferred on him vide Rule 10 of Post Office Insurance Fund Rules and on the basis of Actuarial Valuation of the assets and liabilities of Post Office Life Insurance Fund as on 31-03-2002, the Director General (Posts), is pleased to declare a simple Reversionary Bonus for the year ending 31-03-2002 on the Postal Life Insurance Policies on their becoming claims, due to death or maturity at the following rates :—

Type of Insurance Policy	Rate of Bonus
(A) WHOLE LIFE INSURANCE	
(i) Continuing Policy	Rs. 95/- per thousand of sum assured
(ii) Claim during the year	Rs. 95/- per thousand of sum assured plus terminal bonus of Rs. 25/- per policy of sum assured of Rs. 10,000/- subject to maximum of Rs. 1000/- per policy
(B) ENDOWMENT ASSURANCE	
(i) Continuing Policy	Rs. 77/- per thousand of sum assured.
(ii) Claim during the year	
(a) Policy term less than 20 years.	Rs. 77/- per thousand of sum assured.
(b) Policy term more than 20 and equal to 20 years	Rs. 76/- per thousand plus terminal bonus of Rs. 25/- per policy of sum assured of Rs. 10,000/- subject to maximum of Rs. 1000/- per policy.
(C) ANTICIPATED ENDOWMENT	Rs. 70/- per thousand of sum assured for all policies.
(D) CONVERTIBLE TERM ASSURANCE	To attract bonus for the respective Periods for the respective class of insurance as above.

2. Interim bonus at the rates mentioned above will also be payable for all claims arising due to maturity or death during the period from 01-04-2002 to 31-12-2004 (including first policy year of assurance in respect of policies issued on or after 01-04-2002).

3. The amount of bonus involving a fraction of 50 paise or more shall be rounded off to the next higher rupee and fraction below 50 paise shall be ignored.

4. This issues with the concurrence of Finance Advice (Postal) vide their Dairy No. 511/FA/2004 dated 19-03-2004.

[No. 4-1/2004-LI]

V. PATI, Addl. General Manager

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

(विपणन एवं निरीक्षण निदेशालय)

नई दिल्ली, 31 मार्च, 2004

का.आ. 1000.—साधारण श्रेणीकरण एवं चिन्हांकन नियमावली, 1988 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, पी. के. अग्रवाल, कृषि विपणन सलाहकार, भारत सरकार, एतद्वारा कॉलम (1) में उल्लिखित नियमों के अनुसरण में जैसा कि कॉलम (2) में विनिर्दिष्ट है, कॉलम (3) में विनिर्दिष्ट केन्द्रीय शासित प्रदेश सरकार के अधिकारियों को दमन एवं दीव केन्द्र शासित प्रदेश में 'घरेलू मंडी के लिए' कृषि उपज (श्रेणीकरण एवं चिन्हांकन) अधिनियम, 1937 (1937 का 1) के अधीन निर्धारित श्रेणीकरण तथा चिन्हांकन नियमों एवं श्रेणीकरण अभिधानों के अनुसार कृषि और अन्य उत्पादों के श्रेणीकरण तथा चिन्हांकन के बारे में अधिकार देता हूँ।

(1)	(2)	(3)
नियम 3(8)	प्राधिकृत श्रेणीकरण परिसरों का निरीक्षण करना तथा यह पता लगाना कि विकेंद्रीकृत वस्तुओं का श्रेणीकरण तथा चिन्हांकन सही रूप में किया गया;	रजिस्ट्रार, सहकारी समितियां
नियम 3(8)	विकेंद्रीकृत श्रेणीकरण के प्राधिकृत पैकारों द्वारा रखे गए रिकार्ड की जांच करना;	-वही-
नियम 3(8)	श्रेणी अभिधान चिन्ह लगे हुए किसी पैकेज को खोलना तथा निरीक्षण करना तथा किसी भी श्रेणीकृत उपज के नमूने लेना परन्तु सभी नमूनों के लिए संदाय किया जाए;	-वही-
नियम 3(8)	विकेंद्रीकृत श्रेणीकरण के अधीन आने वाली किसी भी श्रेणीकृत वस्तु का श्रेणी अभिधान चिन्ह रद्द करना या उसे हटाना यदि वह विहित श्रेणी विनिर्देशनों के अनुरूप नहीं है।	-वही-

[फा. सं. क्यू. 11011/9/93-मानक]

पी. के. अग्रवाल, कृषि विपणन सलाहकार

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

(DIRECTORATE OF MARKETING AND INSPECTION)

New Delhi, the 31st March, 2004

S.O. 1000.—In exercise of the powers conferred on me under the General Grading and Marking Rules, 1988, I, P.K. Agarwal, Agricultural Marketing Adviser to the Government of India hereby delegate, in pursuance of the rules cited in column (1), authority to exercise the powers, as specified in column (2), to the officers of the U.T. Government specified in column (3), in respect of Grading and Marking of agricultural and other produce in accordance with the grade designations and the Grading and Marking Rules prescribed under the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) for domestic market in the Union Territory of Daman & Diu.

Reference rule of GGM Rules, 1988	Powers delegated	Designation of the U.T. Officer
(1)	(2)	(3)
Rule 3(4)	To receive the application for grant of Certificate of Authorisation for domestic grading;	Registrar of Coop. Societies
Rule 3(5)	To arrange for verification of bonafides of the applicant and inspection of the premises Laboratory, processing units and to recommend grant of C.A. for domestic grading;	-do-

साधारण श्रेणी नियमावली, 1988 के नियम के संदर्भ	प्रत्यायुक्त शक्तियां	केन्द्र शासित प्रदेश अधिकारी का पदनाम
(1)	(2)	(3)
नियम 3(4)	घरेलू श्रेणीकरण के लिए प्राधिकरण प्रमाण-पत्र प्रदान करने हेतु आवेदन प्राप्त करना;	रजिस्ट्रार, सहकारी समितियां
नियम 3(5)	आवेदक की सदाशयता के सत्यापन तथा परिसरों, प्रयोगशाला, संसाधन एककों के निरीक्षण की व्यवस्था करना तथा घरेलू श्रेणीकरण के लिए प्राधिकार प्रमाण-पत्र प्रदान करने हेतु सिफारिश करना;	-वही-
नियम 4	विकेंद्रीकृत श्रेणीकरण के बारे में प्राधिकार प्रमाण-पत्र का नवीकरण करना;	-वही-
नियम 8(2)	एगमार्क श्रेणीकरण के लिए निजी वाणिज्यिक प्रयोगशाला के अनुमोदन की सिफारिश करना;	-वही-
नियम 12	विकेंद्रीकृत श्रेणीकरण के बारे में श्रेणी अभिधान चिन्हों को जारी करना अथवा प्रयोग को रोकना;	-वही-
नियम 14	किसी भी अनुसूचित वस्तु के बारे में सूचना, रिपोर्ट विवरणी प्राप्त करना;	-वही-

1	2	3
Rule 4	To renew the certificate of Authorisation in respect of decentralised grading;	Registrar of Coop. Societies
Rule 8(2)	To recommend approval of private commercial laboratory for Agmark grading;	—do—
Rule 12	To withhold issue or use of grade designation marks in respect of decentralised grading;	—do—
Rule 14	To obtain information, report, return in respect of any of the Scheduled articles;	—do—
Rule 3(8)(b)	To inspect the authorized grading premises and to ascertain that grading and marking of decentralised commodities is correctly performed;	—do—
Rule 3(8)(c)	To examine the record maintained by the authorized packers of decentralised grading;	—do—
Rule 3(8)(d)	To open and inspect any package bearing grade designation mark and to take samples of any graded produce provided all samples shall be paid for;	—do—
Rule 3(8)(e)	To cancel or to remove the grade designation mark from any graded article covered under decentralized grading if found not conforming to the prescribed grade specifications.	—do—

[F. No. Q.-11011/9/93-Std.]

P. K. AGARWAL, Agricultural Marketing Adviser

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 7 अप्रैल, 2004

का. आ. 1001.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात्, एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) शीर्षक 'मान्यताप्राप्त चिकित्सीय अर्हता' [अब के बाद कालम (2) के रूप में संदर्भित] के अधीन "बम्बई विश्वविद्यालय", के सामने शीर्षक "पंजीकरण के लिए संक्षेपाक्षर" [अब के बाद कालम (3) के रूप में संदर्भित] के अधीन अंतिम प्रविष्टि और उससे संबंधित प्रविष्टि के बाद निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डॉक्टर ऑफ मेडिसिन (न्यायिक चिकित्सा)	एम०डी० (न्यायिक चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह ग्रांट मेडिकल कालेज, मुम्बई में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1983 में अथवा उसके पश्चात् प्रदान की गई हो)";

(ख) "गोवा विश्वविद्यालय", के सामने कालम (2) में अंतिम प्रविष्टि और कालम (3) में उससे संबद्ध प्रविष्टि के बाद निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डॉक्टर ऑफ मेडिसिन (सामाजिक एवं निरोधक चिकित्सा)	एम०डी० (एस० पी० एम०) (यह एक मान्यताप्राप्त अर्हता होगी जब यह गोवा मेडिकल कालेज, बम्बोलिम, गोवा में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1989 में अथवा उसके बाद प्रदान की गई हो);

जन स्वास्थ्य में डिप्लोमा

डी० पी० एच०
(यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह गोवा मेडिकल कालेज, बम्बोलिम, गोवा में प्रशिक्षित किए जा रहे छात्रों के संबंध में जून, 1988 में अथवा उसके बाद प्रदान की गई हो);

मास्टर ऑफ सर्जरी
(नेत्र चिकित्सा)

एम. एस. (नेत्र चिकित्सा)
(यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह गोवा मेडिकल कालेज, बम्बोलिम, गोवा में प्रशिक्षित किए जा रहे छात्रों के संबंध में जनवरी, 1990 में अथवा उसके बाद प्रदान की गई हो)";

"डॉक्टर ऑफ मेडिसिन
(मनश्चिकित्सा)

एम. डी. (मनश्चिकित्सा)
(यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह गोवा मेडिकल कालेज, बम्बोलिम, गोवा में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1991 में अथवा उसके बाद प्रदान की गई हो);

(2)	(3)
मनोविज्ञान संबंधी चिकित्सा में डिप्लोमा	डी० पी० एम० (यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह गोवा मेडिकल कालेज, बम्बोलिम, गोवा में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1991 में अथवा उसके बाद प्रदान की गई हो)";

(ग) "गुलबर्गा विश्वविद्यालय", के सामने कालम (2) में अंतिम प्रविष्टि और कालम (3) में उससे संबंधित प्रविष्टि के बाद निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डॉक्टर ऑफ मेडिसिन (समाजिक एवं निरोधक चिकित्सा/सामुदायिक चिकित्सा)	एम०डी० (एस.पी.एम./सामुदायिक चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह एम० आर० मेडिकल कालेज, गुलबर्गा में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1988 में अथवा उसके पश्चात् प्रदान की गई हो)";

(घ) "हिमाचल प्रदेश विश्वविद्यालय" के सामने कालम (2) में अंतिम प्रविष्टि और कालम (3) में उससे संबंधित प्रविष्टि के बाद निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डॉक्टर ऑफ मेडिसिन (बाल चिकित्सा)	एम०डी० (बाल चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह इंदिरा गांधी मेडिकल कालेज, शिमला में प्रशिक्षित किए जा रहे छात्रों के संबंध में नवम्बर, 1987 में अथवा उसके बाद प्रदान की गई हो)";
"मास्टर ऑफ सर्जरी (आटो-रिनो-लैरिंगोलाजी)	एम० एस० (कान नाक गला) (यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह इंदिरा गांधी मेडिकल कालेज, शिमला में प्रशिक्षित किए जा रहे छात्रों के संबंध में अक्टूबर, 1991 में अथवा उसके बाद प्रदान की गई हो)";

(ङ) "मणिपुर विश्वविद्यालय" के सामने कालम (2) में अंतिम प्रविष्टि और कालम (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डॉक्टर ऑफ मेडिसिन (भेषज विज्ञान)	एम.डी. (भेषज विज्ञान) (यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह क्षेत्रीय आयुर्विज्ञान संस्थान, इम्फाल, मणिपुर में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1997 में अथवा उसके पश्चात् प्रदान की गई हो)";
"डॉक्टर ऑफ मेडिसिन (शरीर क्रिया विज्ञान)	एम.डी. (शरीर क्रिया विज्ञान) (यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह क्षेत्रीय आयुर्विज्ञान संस्थान, इम्फाल, मणिपुर में प्रशिक्षित किए जा रहे छात्रों के संबंध में जुलाई, 1999 में अथवा उसके पश्चात् प्रदान की गई हो)";
"डॉक्टर ऑफ मेडिसिन (न्यायिक चिकित्सा)	एम०डी० (न्यायिक चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह क्षेत्रीय आयुर्विज्ञान संस्थान, इम्फाल, मणिपुर में प्रशिक्षित किए जा रहे छात्रों के संबंध में जुलाई, 2002 में अथवा उसके पश्चात् प्रदान की गई हो)";

(च) "मुम्बई विश्वविद्यालय" के सामने कालम (2) में अंतिम प्रविष्टि और कालम (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डॉक्टर ऑफ मेडिसिन (न्यायिक चिकित्सा)	एम.डी. (न्यायिक चिकित्सा) (यह एक मान्यताप्राप्त चिकित्सीय अर्हता होगी जब यह ग्रांट मेडिकल कालेज, मुम्बई में प्रशिक्षित किए जा रहे छात्रों के संबंध में 1983 में अथवा उसके पश्चात् प्रदान की गई हो)";

[फा. सं. वी.-11015/9/2003-एम.ई. (नीति-I)]

पी. जी. कलाधरन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE**(Department of Health)**

New Delhi, the 7th April, 2004

S.O. 1001.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule—

(a) against “University of Bombay”, under the heading ‘Recognised Medical Qualification’ [hereinafter referred to as column (2)] after the last entry and the entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Forensic Medicine)”	M.D. (Forensic Medicine) (This shall be a recognised medical qualification when granted in or after 1983 in respect of students being trained at Grant Medical College, Mumbai);

(b) against “Goa University”, in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Social and Preventive Medicine)”	M.D. (S.P.M.) (This shall be a recognised medical qualification when granted in or after 1989 in respect of students being trained at Goa Medical College, Bombolim, Goa)

Diploma in Public Health	D.P.H. (This shall be a recognised medical qualification when granted in or after June, 1988 in respect of students being trained at Goa Medical College, Bombolim, Goa)
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Master of Surgery (Ophthalmology)	M.S. (Ophthalmology) (This shall be a recognised medical qualification when granted in or after Jan., 1990 in respect of students being trained at Goa Medical College, Bombolim, Goa)
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Doctor of Medicine (Psychiatry)	M.D. (Psychiatry) (This shall be a recognised
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(2)

(3)

medical qualification when granted in or after 1991 in respect of students being trained at Goa Medical College, Bombolim, Goa)

Diploma in Psychological Medicine

D.P.M.
(This shall be a recognised medical qualification when granted in or after 1991 in respect of students being trained at Goa Medical College, Bombolim, Goa);

(c) against “Gulbarga University”, in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Social and Preventive Medicine/Community Medicine)”	M.D. (S.P.M./Community Medicine) (This shall be a recognised medical qualification when granted in or after 1988 in respect of students being trained at M.R. Medical College, Gulbarga);

(d) against “Himachal Pradesh University”, in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Paediatrics)”	M.D. (Paediatrics) (This shall be a recognised medical qualification when granted in or after Nov., 1987 in respect of students being trained at Indira Gandhi Medical College, Shimla);

Master of Surgery (Oto-Rhino-Laryngology)	M.S. (E.N.T.) (This shall be a recognised medical qualification when granted in or after Oct., 1991 in respect of students being trained at Indira Gandhi Medical College, Shimla);
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(e) against “Manipur University”, in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
“Doctor of Medicine (Pharmacology)”	M.D. (Pharmacology) (This shall be a recognised medical qualification when

(2)	(3)
	granted in or after 1997 in respect of students being trained at Regional Institute of Medical Sciences, Imphal, Manipur)
Doctor of Medicine (Physiology)	M.D. (Physiology) (This shall be a recognised medical qualification when granted in or after July, 1999 in respect of students being trained at Regional Institute of Medical Sciences, Imphal, Manipur)
Doctor of Medicine (Forensic Medicine)	M.D. (Forensic Medicine) (This shall be a recognised medical qualification when granted in or after July, 2002 in respect of students being trained at Regional Institute of Medical Sciences, Imphal, Manipur);

(f) against "University of Mumbai", in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Forensic Medicine)	M.D. (Forensic Medicine) (This shall be a recognised medical qualification when granted in or after 1983 in respect of students being trained at Grant Medical College, Mumbai)".

[F. No.V. 11015/9/2003-ME(Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 8 अप्रैल, 2004

का.आ. 1002.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956, (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात्, एतद्द्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में—

(क) "बाबा फरीद यूनिवर्सिटी ऑफ हैल्थ साइंसेज,

फरीदकोट", के सामने 'मान्यताप्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [जिसे इसमें इसके पश्चात् स्तंभ (2) कहा गया है] अन्तिम प्रविष्टि और 'रजिस्ट्रीकरण के लिए संक्षेपाक्षर' शीर्षक के अधीन [जिसे इसके पश्चात् स्तंभ (3) कहा गया है] उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतः स्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डिप्लोमा इन ओटो-रिनो लैरिंगोलोजी	डी.एल.ओ. (यह अर्हता तभी मान्यताप्राप्त अर्हता होगी जब यह दयानन्द मेडिकल कालेज में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत जनवरी, 2000 में या उसके पश्चात् प्रदान की गई हो);
डाक्टर ऑफ मेडिसिन (रेडियो-थिरेपी)	एम.डी. (रेडियो-थिरेपी) (यह अर्हता तभी मान्यताप्राप्त अर्हता होगी जब यह क्रिश्चियन मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत जनवरी, 2000 में या उसके पश्चात् प्रदान की गई हो);

(ख) "बी.एन. चक्रवर्ती विश्वविद्यालय", के सामने कालम (2) में अन्तिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतः स्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"मास्टर ऑफ सर्जरी (शरीर रचना विज्ञान) प्रसूति और स्त्री रोग विज्ञान में डिप्लोमा	एम. एस. (शरीर रचना विज्ञान) डी.जी.ओ.

(ग) "कोलकाता विश्वविद्यालय", के सामने कालम (2) में अन्तिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतः स्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डाक्टर ऑफ मेडिसिन (क्षयरोग एवं श्वसनी रोग)	एम. डी. (क्षयरोग एवं श्वसनी रोग) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, कोलकाता में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत 1975 में या उसके पश्चात् प्रदान की गई हो)";

(घ) "कुरुक्षेत्र विश्वविद्यालय" के सामने स्तंभ (2) में अंतिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतः स्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"मास्टर ऑफ सर्जरी (शरीर रचना विज्ञान) प्रसूति और स्त्री रोग विज्ञान में डिप्लोमा";	एम. एस. (शरीर रचना विज्ञान) डी.जी.ओ.

(ङ) "महर्षि दयानंद विश्वविद्यालय, रोहतक" के सामने स्तंभ (2) में अंतिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतः स्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"मास्टर ऑफ सर्जरी (शरीर रचना विज्ञान) प्रसूति और स्त्री रोग विज्ञान में डिप्लोमा";	एम. एस. (शरीर रचना विज्ञान) डी.जी.ओ.

(च) "पंजाब विश्वविद्यालय" के सामने स्तंभ (2) में अंतिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतः स्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डाक्टर ऑफ मेडिसिन (सामाजिक और निरोधक चिकित्सा) डिप्लोमा इन ओटो-रिनो लैरिंगोलोजी डाक्टर ऑफ मेडिसिन (रेडियो-थिरेपी)	एम. डी. (एस.पी.एम.) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह दयानन्द मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत 1996 से 2000 तक प्रदान की गई हो)"; डी.एल.ओ. (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह दयानन्द मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत 1979 से 2000 तक प्रदान की गई हो)"; एम.डी. (रेडियो-थिरेपी) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह दयानन्द मेडिकल कालेज, लुधियाना में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत फरवरी, 1994 से 2000 तक प्रदान की गई हो)";

(छ) "पंजाबी विश्वविद्यालय", के सामने स्तंभ (2) में, अन्तिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतः स्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डाक्टर ऑफ मेडिसिन (जैव-रसायन)	एम.डी. (जैव-रसायन) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह गवर्नमेंट मेडिकल कालेज, पटियाला में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत दिसम्बर, 1982 से 2000 तक प्रदान की गई हो)";

(ज) "राजस्थान विश्वविद्यालय", के सामने स्तंभ (2) में, अन्तिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतः स्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"मजिस्ट्रार चीरुगेइ (प्लास्टिक सर्जरी)	एम.सी. एच. (प्लास्टिक सर्जरी) (यह अर्हता तभी मान्यता- प्राप्त आयुर्विज्ञान अर्हता होगी जब यह एस.एम.एस. मेडिकल कालेज, जयपुर में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत, सितम्बर, 1987 में या उसके पश्चात् प्रदान की गई हो)";
डाक्टर ऑफ मेडिसिन (माइक्रोबायोलोजी)	एम.डी. (माइक्रोबायोलोजी) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह एस.एम.एस. मेडिकल कालेज, जयपुर में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत, 1985 में या उसके पश्चात् प्रदान की गई हो)";
डाक्टर ऑफ मेडिसिन (फोरेन्सिक मेडिसिन)	एम.डी. (फोरेन्सिक मेडिसिन) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह एस.एम.एस. मेडिकल कालेज, जयपुर में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत, सितम्बर, 1995 में या उसके पश्चात् प्रदान की गई हो)";

(झ) "रोहतक विश्वविद्यालय", के सामने स्तंभ (2) में, अन्तिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"मास्टर ऑफ सर्जरी (शरीर रचना विज्ञान) प्रसूति और स्त्री रोग विज्ञान में डिप्लोमा";	एम.एस. (शरीर रचना विज्ञान) डी.जी.ओ.

(ज) "संजय गांधी स्नातकोत्तर आयुर्विज्ञान संस्थान, लखनऊ", के सामने स्तंभ (2) में, अन्तिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डाक्टर ऑफ मेडिसिन (माइक्रोबायोलोजी) प्रदान की गई है";	एम.डी. (माइक्रोबायोलोजी) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह मई, 2000 में या उसके पश्चात् प्रदान की गई है);

(ट) "सरदार पटेल विश्वविद्यालय", के सामने स्तंभ (2) में, अन्तिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"डाक्टर ऑफ मेडिसिन (संवेदनाहरण विज्ञान) प्रदान की गई हो";	एम.डी. (एनिस) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब प्रमुखस्वामी मेडिकल कालेज, करमसाद, गुजरात में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत, मार्च, 2001 में या उसके पश्चात् प्रदान की गई हो);

(ठ) "साउथ गुजरात यूनिवर्सिटी", के सामने स्तंभ (2) में, अन्तिम प्रविष्टि और स्तंभ (3) में उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :—

(2)	(3)
"(मास्टर ऑफ सर्जरी) (आर्थोपेडिक्स) प्रदान की गई हो";	(एम. एस. (आर्थो.) (यह अर्हता तभी मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह गवर्नमेंट मेडिकल कालेज, सूरत में प्रशिक्षण प्राप्त कर रहे छात्रों की बाबत, जून 1985 में या उसके पश्चात् प्रदान की गई हो);

[फा. सं. बी.-11015/11/2003.-एम.ई. (नीति-1)]

पी.जी. कलाधरन, अवर सचिव

New Delhi, the 8th April, 2004

S.O. 1002.—In exercise of the powers conferred by Sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said Schedule—

(a) against "Baba Farid University of Health Sciences, Faridkot", under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and the entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely :—

(2)	(3)
"Diploma in Oto-Rhino Laryngology Doctor of Medicine (Radio-therapy)	D.L.O. (This shall be a recognised medical qualification when granted in or after January, 2000 in respect of students being trained at Dayanand Medical College) M.D. (Radio-Therapy) (This shall be a recognised medical qualification when granted in or after January, 2000 in respect of students being trained at Christian Medical College, Ludhiana);

(b) against "B.N. Chakravarti University", in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (Anatomy) Diploma in Obstetrics and Gynaecology",	M.S. (Anatomy) D.G.O.

(c) against "Calcutta University"; in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Tuberculosis & Respiratory Diseases)	M.D. (Tuberculosis & Respiratory Diseases) (The above qualification shall be a recognised medical qualification when granted in or after 1975 in respect of students being trained at Institute of Postgraduate Medical Education & Research, Kolkata);

(d) against "Kurukshetra University", in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (Anatomy)	M.S. (Anatomy)
Diploma in Obstetrics and Gynaecology";	D.G.O.

(e) against "Maharishi Dayanand University, Rohtak", in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (Anatomy)	M.S. (Anatomy)
Diploma in Obstetrics and Gynaecology";	D.G.O.

(f) against "Punjab University", in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Social and Preventive Medicine)	S.P.M.

(This shall be a recognised medical qualification when granted from 1996 to 2000 in respect of students being trained at Dayanand Medical College, Ludhiana)

Diploma in Oto-Rhino Laryngology

D.L.O.

(This shall be a recognised medical qualification when granted from 1979 to 2000 in respect of students being trained at Dayanand Medical College, Ludhiana)

Doctor of Medicine (Radio-therapy)

M.D. (Radio-therapy)

(This shall be a recognised medical qualification when granted from Feb., 1994 to 2000 in respect of students being trained at Dayanand Medical College, Ludhiana);

(g) against "Punjabi University, in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Doctor of Medicine (Bio-Chemistry)	M.D.(Bio-Chemistry)

(The above qualification shall be a recognised medical qualification when granted from December, 1982 to 2000 in respect of students being trained at Govt. Medical College, Patiala);

(h) against "Rajasthan University", in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Magistrar Chirurgiae (Plastic Surgery)	M. Ch. (Plastic Surgery)

(This shall be a recognised medical qualification when granted in or after September, 1987 in respect of students being trained at S.M.S. Medical College, Jaipur)

Doctor of Medicine (Microbiology)

M. D. (Microbiology)

(This shall be a recognised medical qualification when granted in or after 1985 in respect of students being trained at S.M.S. Medical College, Jaipur)

Doctor of Medicine (Forensic Medicine)

M. D. (Forensic Medicine)

(This shall be a recognised medical qualification when granted in or after September, 1995 in respect of students being trained at S.M.S. Medical College, Jaipur);

(i) against "Rohtak University", in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
"Master of Surgery (Anatomy)	M.S. (Anatomy)
Diploma in Obstetrics and Gynaecology";	D.G.O.

(j) against “Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow”, in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
Doctor of Medicine (Microbiology)	M.D. ((Microbiology)) (This shall be a recognised medical qualification when granted in or after May, 2000);

(k) against “Sardar Patel University”, in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
Doctor of Medicine (Anaesthesiology)	M.D. (Anaes.) (This shall be a recognised medical qualification when granted in or after March, 2001)

(2)

(3)

in respect of students being trained at Pramukhswami Medical College, Karamsad, Gujrat);

(1) against “South Gujarat University”, in column (2), after the last entry and the entry relating thereto in column (3), the following shall be inserted, namely :—

(2)	(3)
“Master of Surgery (Orthopaedics)	M. S. (Ortho.) (This shall be a recognised medical qualification when granted in or after June, 1985 in respect of students being trained at Govt. Medical College, Surat);

[F.No. V. 11015/11/2003-ME (Policy-I)]

P. G. KALADHARAN, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 12 अप्रैल, 2004

का.आ. 1003.— भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्र. सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)				(6)
1.	6396081	2003-05-21	मैसर्स श्रीनिवास एक्वा लैब्स डी. नं. 22-9-9 वीरबद्रापुरम राजामुन्नी 533 104	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543			98
2.	6396182	2003-05-17	मैसर्स एस.एस. इंडस्ट्रीज सर्वे नं. 317/1 कृष्णापुरम गाँव सी.के. डीने मंडल इंजीनियरिंग कॉलेज पोस्ट कुड्डपा जिला (आ. प्र.)	पोर्टलैंड धातुमल सीमेंट (चौथा पुनरीक्षण)	00455			89
3.	6396283	2003-05-28	मैसर्स एम.एस. आर. इंडस्ट्रीज एस. नं. 191-7 पेड्डायती पकम सत्यावेडू मंडल चित्तूर जिला 517 588	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543			98
4.	6396384	2003-05-06	मैसर्स वेनटेक केमीकल्स लिमिटेड सर्वे नं. 180/6 और 180/7 खाजीपल्ली गाँव जिन्नाराम मंडल मेडक जिला	क्लोरोपाइरिफास पायसनीय सांद्र	08944			78

(1)	(2)	(3)	(4)	(5)	(6)
5.	6396484	2003-05-30	मैसर्स मिनर्वा मिनरल्स प्लॉट नं. 13 और 14 नौकम- पलायाम पेरुम्बक्कम गाँव थम्बाराम तालुक 600 073	पैकेजबन्द मिनरल वॉटर 14543 (पैकेजबन्द प्राकृतिक) मिनरल जल के अलावा) विशिष्ट	98
6.	6396586	2003-05-28	मैसर्स कार्तिक इंटरप्राइजिज चेन्नई-बंगलौर हाई रोड, सितूर गाँव संगुवर चाथिराम पोस्ट श्री पेरुम्बदूर 602 016	पैकेजबन्द मिनरल वॉटर 14543 पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	98
7.	6396687	2003-06-03	मैसर्स रूफ सील (मद्रास) प्रा.लि., नं. 10, (पुराना नं. 561/1) वनागराम रोड अधिपेट अम्ब्रातूर चेन्नई 600 058	जलसर और नमसर 01322 बनाने के लिए बिटुमन नमदा (चौथा पुनरीक्षण)	93
8.	6396788	2003-05-25	मैसर्स ईस्ट इंडिया कमर्शियल कं. लि. कृष्णा हिसियान्स कोरूर, मैसर्स कुमार इंडस्ट्रीज डोर नं. 6/183 सम्मुख अव्ययप्पा टेम्पल इलूरु रोड कैकलूरु, कृष्णा जिला	50 किग्रा. चीनी पैक करने 15138 हेतु पटसन के बोरे पैकेजबन्द मिनरल वॉटर 14543 (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	2002 98
9.	6396889	2003-05-28	मैसर्स रानी पाइप्स 7-198/1 फेस 1 विनायक नगर जीडिमेटला आर आर जिला 500 055	पेय जल आपूर्ति उच्च 04984 घनत्व वाले पालिएथाइलीन पाइप (चौथा पुनरीक्षण)	95
10.	6397184	2003-05-21	मैसर्स कान्ता रबड़ प्रा. लि., 143-144 फेस 5 आइडीए जीडिमेटला, आर आर जिला	हवा के लिए रबड़ के हौज 00446 (चौथा पुनरीक्षण)	87
11.	6397285	2003-05-30	मैसर्स कॉवेरी इलैक्ट्रोडस (इं) प्रा. लि., नं. 35-ए जिगानी केआईएडीबी इंड. एरिया अनेकल तालुक बंगलौर जिला	हस्त्य धातु आर्क वेल्डिंग 00814 के लिए आवृत्त कार्बन और कार्बन मैंगनीज इस्पात इलैक्ट्रोड (पाँचवा पुनरीक्षण)	91
12.	6397386	2003-06-07	मैसर्स श्री वासवी थांगा मलिंगई वरदाराजा कॉम्पलेक्स 7 मेन रोड डिडिगुल 624 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, 0417 आभूषण/शिल्पकारी शुरुता एवं मुहरांकन—विशिष्ट (तीसरा पुनरीक्षण)	99
13.	6397386	2003-06-02	मैसर्स कॉवेरी मिनरल्स वाटर एस एफ नं. 60/2 बी वाडाकर थोट्टम पोन्न कोविल नगर पौडिकलीपलायम, तिरुपुर 641 665	पैकेजबन्द मिनरल वॉटर 14543 (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	98
14.	6397487	2003-06-07	मैसर्स शारोन वेनीर्स प्रा. लि., 48वां कि.मी. स्टोन जीएनटी रोड, चिन्ना ओबलुपुरम, गुम्मीडिपूडि 601 201	समुद्री उपयोग हेतु 00710 प्लाईवुड (पहला पुनरीक्षण)	76
15.	6397588	2003-06-07	मैसर्स शारोन वेनीर्स प्रा. लि., 48वां कि.मी. स्टोन जीएनटी रोड, चिन्ना ओबलुपुरम, गुम्मीडिपूडि 601 201	ब्लॉक बोर्ड 01659 (तीसरा पुनरीक्षण)	90

(1)	(2)	(3)	(4)	(5)	(6)
17.	6397689	2003-06-07	मैसर्स शारोन वेनीस प्रा. लि., 48वां कि.मी. स्टोन जीएनटी रोड, चिन्ना ओबलुपुरम, गुम्मीडिपूडि 601 201	कंक्रीट शटरिंग कार्य के लिए प्लाईवुड (दूसरा पुनरीक्षण)	04990 93
18.	6397790	2003-05-28	मैसर्स वासवी ट्यूब्स एण्ड कंडक्टर्स, प्लॉट नं. बी 1 और बी 2 गूटी रोड गुण्टाकल 515 801	विद्युत संस्थापन के लिए कंड्यूट, भाग 3 कंड्यूट विद्युत रोधक सामग्री के लिए दृढ़ सांद्र कंड्यूट	09537 03 83
19.	6397891	2003-05-17	मैसर्स नर्मदा इंडस्ट्रीज सर्वे नं. 241/एए रेडलाकुंता गांव कोडड मंडल नलगोंडा जिला	43 ग्रेड साधारण पोर्टलैंड सीमेंट (पहला पुनरीक्षण)	08112 89
20.	6397992	2003-06-07	मैसर्स शार्प इंडस्ट्रीज एस.एफ. नं. 330/2, बी 2 सित्रा रोड कलापति कोयम्बतूर 641 035	निमज्जनीय पम्पसेट	08034 89
21.	6398085	2003-06-03	मैसर्स एसोसिएटेड सीमेंट कम्पनीज लि., (मनचेरियल सीमेंट वर्क्स) पी.ओ. मनचेरियल सीमेंट वर्क्स, मंचेरियल अदिलाबाद जिला आंध्र प्रदेश 504 209	पोर्टलैंड पोजोलाना सीमेंट भाग 1 प्लाईएश आधारित (तीसरा पुनरीक्षण)	01489 01 91
22.	6398186	2003-06-03	मैसर्स सिग्मा सीमेंट्स (प्रा.) लि., प्लॉट नं. 4, सर्वे नं. 60 बंडलागुडा इंड. एस्टेट, माइलारदेवपल्ली राजेन्द्र नगर (मंडल) आर आर जिला	53 ग्रेड साधारण पोर्टलैंड सीमेंट	12269 87
23.	6398287	2003-06-11	मैसर्स हरि गुरु कृपा एक्वा सिस्टम्स नं. 112-113/2 पी.एच. रोड, पुलियम्बेडू, चेन्नई-600 077	पैकेजबन्द मिनरल वाटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
24.	6398388	2003-06-11	मैसर्स हाइड्रोटेक इंजीनियरिंग कं. नं. 103/75, जी.एन.टी. रोड, गणपति गार्डन माधवराम, चेन्नई 600 110	गहराई से पानी निकालने के हथबरमें (तीसरा पुनरीक्षण)	09301 90
25.	6398489	2003-06-07	मैसर्स शार्प इंडस्ट्रीज, डोर नं. 7/61 पार्ट गोल्डविन्स नॉर्थ साउथ रोड, एसएफ नं. 740/1ई पार्ट ऑफ कलापति गाँव, कोयम्बतूर 641 014	निमज्जनीय-पम्पसेट	08034 89
26.	6398590	2003-06-07	मैसर्स महालक्ष्मी पाइप्स प्लॉट नं. 18, इंडस्ट्रियल एस्टेट कल्लूर (वी), कुरनूल 518 003	पेय जल आपूर्ति हेतु गैर प्लास्टिकृत पीवीसी पाइप की विशिष्ट (तीसरा पुनरीक्षण)	04985 2000

(1)	(2)	(3)	(4)	(5)	(6)
27.	6398691	2003-06-12	मैसर्स जनरल इंजीनियरिंग कं., 1/42 और 43 मूतूपलायम रोड कोयम्बतूर 641 030	निमज्जनीय पम्पसेट 08034	89
28.	6398893	2003-05-13	मैसर्स जीवी फूडस प्रा.लि., 25, मारुति लेआउट कोडिगेजल्ली, बंगलौर 560 092	शिशुओं और स्कूल पर्व बच्चों के लिए प्रोटीन- बहुल पूरक खाद्य पदार्थ 07021	73
29.	6398994	2003-06-12	मैसर्स सोलर एनर्जाइजर्स (प्रा.) लि., 36/3, प्रथम क्रास पुकराज लेआउट बन्नरघाटा रोड अडुगोडि, बंगलौर 560030	सौर सपाट पट्टिका संग्राहक भाग 1 अपेक्षाएँ (पहला पुनरीक्षण) 12933 01	92
30.	6399087	2003-06-07	मैसर्स आरि एसोसिएट्स नं. 4/1 6वां मेर रोड पैलेस गुट्टाहल्ली बंगलौर-560 00	पैकेजबन्द मिनरल वाटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट 14543	98
31.	6399188	2003-06-17	मैसर्स श्री ग्राण्ड इंटरप्राइसेज एस.आर. नं. 159/8 सेनगुडू वी. पुडूर वालवानूर (वाया विल्लुपुर 605 108	पैकेजबन्द मिनरल वाटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट 14543	98
32.	6399289	2003-06-17	मैसर्स श्री शिवानी मिनरल वाटर 19, II स्ट्रीट जक्रोया कालोनी चूलाइमेडू चेन्नई 600 094	पैकेजबन्द मिनरल वाटर पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट 14543	98
33.	6399390	2003-05-28	मैसर्स अत्तिनाड प्रिंस ज्वेलरी एएमसी 832/17 एन एच रोड अत्तिंगल 695 101	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन- विशिष्ट (तीसरा पुनरीक्षण) 0141,	99
34.	6399491	2003-05-28	मैसर्स क्रिलोस्कर इलैक्ट्रिक कं. लि., गोकुल रोड, हुबली 580 030	ई टाइप सुरक्षा के साथ विद्युत उपकरणों की संरचना एवं परीक्षण 06381	72
35.	6399592	2003-06-11	मैसर्स कास्कडे हैलो टर्मिक्स लिमिटेड, न. 355/2 अब्बास गार्डन रोड, लुना नगर कोयम्बतूर 641 025	सौर सपाट पट्टिका संग्राहक भाग 1 अपेक्षाएँ (पहला पुनरीक्षण) 12933 01	92
36.	6399792	2003-06-17	मैसर्स साई इंडस्ट्रीज एस. नं. 889 कोवूर पोस्ट क्रलोपालेम रोड, कोवूर मंडल नेल्लोर जिला	पैकेजबन्द मिनरल वाटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट 14543	98
37.	6399793	2003-05-08	मैसर्स ननचिल कंडक्टर्स नं. 6, सिडको इंड. एस्टेट, सिपकोट काम्पलेक्स, गुम्मीडिपूडि 601 201	शिरोपरि प्रेषण कार्य के लिए एल्युमीनियम के चालक भाग 4 एल्युमीनियम मिश्रधातु के लडदार कंडक्टर्स (एल्युमीनियम-मैनीशियम -सिलिकॉन टाइप) 00398 04	94

(1)	(2)	(3)	(4)	(5)	(6)
38.	6399794	2003-06-12	मैसर्स नेशनल वुड प्रॉडक्ट्स 11/424, बी, मन्जेश्वर पंचायत कुंजाधूर पी.ओ. बीयर थालपडी कसारगढ़ 671 323	ब्लॉक बोर्ड (तीसरा पुनरीक्षण) 01659	90
39.	6399895	2003-06-12	मैसर्स नेशनल वुड प्रॉडक्ट्स 11/424, बी, मन्जेश्वर पंचायत कुंजाधूर पी.ओ. बीयर थालपडी कसारगढ़ 671 323	सामान्य प्रयोजन हेतु प्लाईवुड (तीसरा पुनरीक्षण) 00303	89
40.	6399996	2003-06-20	मैसर्स सुगंधी एण्ड कम्पनी, नं. 45/30 ऑफिसर्स कॉलोनी दूसरी गली मेधा नगर चेन्नई 600 029	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट 14543	98
41.	6400046	2003-06-20	मैसर्स गोकुल एक्वा प्रॉडक्ट्स 346-ए, अय्याय पपागुडी गाँव अरूपुक्कोट्टई मेन रोड, मदुरई 625 022	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट 14543	98
42.	6400147	2003-06-12	मैसर्स फाइव फाल्स मिनरल्स एस.एफ. नं. 65/6, 65/7 वृधाचलम मेन रोड उथंगल, नैवली-2	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट 14543	98
43.	6400248	2003-06-20	मैसर्स श्री अन्नाई एक्वा प्रॉडक्ट्स 221, अन्नाई टेरेस नगर 6 एसटी. शोलावारम पुंझुथिवक्कम, चेन्नई 600 091	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट 14543	98
44.	6400349	2003-06-12	मैसर्स ईस्ट इंडिया कमर्शियल कं. लि., (यूनिट : कृष्णा जूट मिल्स) पॉवरडपेट, जी.एन.टी.रोड, इलूरु वेस्ट गोदावरी जिला	50 किग्रा. चीनी की पैकिंग हेतु जूट के बोरे 15138	2002
45.	6400450	2003-05-30	मैसर्स एमपीएस बेवरेजिज प्लॉट नं. 21 थ्रिंगेरी कॉलोनी रोड नं. एस, मोहन नगर हैदराबाद 500 035	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट 14543	98
46.	6400551	2003-06-11	मैसर्स श्री प्रिया इंडस्ट्रीज, रेडलाकुंता गाँव कोडड मंडल नलगोंडा जिला	43 ग्रेड साधारण पोर्टलैंड सीमेंट (पहला पुनरीक्षण) 08112	89
47.	6400652	2003-06-17	मैसर्स अम्मान अरूल इंडस्ट्रीज 68, कृष्णा नगर, धिमावरम चेनलापतु तालुक काँचिपुरम जिला	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट 14543	98
48.	6400753	2003-06-18	मैसर्स सूर्या ज्वेलरी, बी/नं. 608, वार्ड नं. 24, थेक्कम बगम रोड परावूर कोल्लम 691 301	स्वर्ण एवं स्वर्ण मिश्र धातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन- विशिष्ट (तीसरा पुनरीक्षण) 01417	99

(1)	(2)	(3)	(4)	(5)	(6)
49.	6400854	2003-06-25	मैसर्स श्री अन्नामलाई मिनरल्स वाटर वर्क्स, 28, 29, 30 बालान नगर, औरथानाडू, थन्जावूर 614625	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
50.	6400955	2003-06-23	मैसर्स आनन्द इंडस्ट्रीज, सर्वे नं. 127/1 बी मरियाम्मन कोइल स्ट्रीट, वेनीक्कल गाँव, तिरुवन्नामलाई 606404	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
51.	6401048	2003-06-11	मैसर्स श्रीप्रिया इंडस्ट्रीज, सर्वे नं. 246 रेडलाकुंता गाँव, कोडल मंडल, नलगोंडा जिला	43 ग्रेड साधारण पोर्टलैंड सीमेंट (पहला पुनरीक्षण)	08112 89
52.	6401049	2003-06-18	मैसर्स यश इंडस्ट्रीज, एफ 17, आईडीए कुकटपल्ली कुतुबुल्लापुर मंडल, आर.आर. जिला 500037	बिजली के छत के पंखे और रेग्युलेटर (तीसरा पुनरीक्षण)	00374 79
53.	6401250	2003-06-18	मैसर्स आकाश गंगा वाटर्स वायुपुत्र कॉम्प्लेक्स, आंध्राहल्ली, बंगलौर 560 091	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
54.	6401351	2003-06-26	मैसर्स एएए एग्रो प्रॉडक्ट्स, 67/4, ओरक्कडु गाँव शोलावरम चेन्नई 600 067	पैकेजबन्द मिनरल वॉटर (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा) विशिष्ट	14543 98
55.	6401452	2003-06-12	मैसर्स एम.ए. वुड प्रॉडक्ट्स (प्रा) लिमिटेड, बत्तिपाडव कोलियूर गाँव, पी ओ वर्कडी (वाया) महेश्वर कसारगढ़ 671 323	सामान्य प्रयोजन हेतु प्लाईवुड (तीसरा पुनरीक्षण)	00303 89
56.	6401553	2003-06-11	मैसर्स एम.ए. वुड प्रॉडक्ट्स (प्रा) लिमिटेड, बत्तिपाडव कोलियूर गाँव पी ओ वर्कडी (वाया) महेश्वर कसारगढ़ 671 323	ब्लॉक बोर्ड (तीसरा पुनरीक्षण)	01659 90
57.	6401654	2003-06-17	मैसर्स बरमेचा पीवीसी वायर्स, केबल्स 5-35-240/ए मैत्रीनगर प्रसांत नगर कुकटपल्ली बालानगर (एम) आर.आर. जिला	1100 वो. तक की कार्यकारी वोल्टता के लिए पीवीसी रोधित केबल (तीसरा पुनरीक्षण)	00694 90

[सं. सी.एम.डी.-4/13:11]

एस. के. चौधरी, उप महानिदेशक

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi the, 12th April, 2004

S.O. 1003.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Operative Date (Year/Month)	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
1.	6396081	2003/05/21	M/s. Srinivasa Aqua Labs. D. No. 22-9-9 Veerabadrapuram Rajahmundry-533 104	Specification for packaged drinking water (other than packaged natural mineral water)	14543			98
2.	6396182	2003/05/17	M/s. S.S. Industries, Sy. No. 317/1 Krishnapuram Village C.K. Dinne Mandal Engineering College Post Cuddapah Dt. (A.P.)	Specification for portland slag cement (Fourth Revision)	00455			89
3.	6396283	2003/05/28	M/s. M.S.R. Industries S. No. 191-7 Peddaeti Pakam, Sathyavedu Mandal Chittoor District-517 588	Specification for packaged drinking water (Other than packaged natural mineral, water)	14543			98
4.	6396384	2004/05/06	M/s. Vantech Chemicals Limited 180/6 & 180/7, Survey No. Khazipally Village Jinnaram Mandal Medak District.	Specification for chlorpyrifos Emulsifiable concentrates	08944			78
5.	6396485	2003/05/30	M/s. Minerva Minerals Plot No. 13 & 14, Nookampalayam Perumbakkam Village Tambaram Taluk-600 073	Specification for packaged drinking water (Other than packaged natural mineral water)	14543			98
6.	6396586	2003/05/28	M/s. Karthik Enterprises Chennai-Bangalore High Road Sithur Village Sunguvar Chathiram Post Sriperumbudur-602 016	Specification for packaged drinking water (Other than packaged natural mineral water)	14543			98
7.	6396687	2003/06/03	M/s. Roof Seal. (Madras) Pvt. Ltd., No. 10 (Old No. 561/1) Vanagaram Road Athipet Ambattur Chennai-600 058	Specification for bitumen felts for water proofing & damp-proofing (Fourth Revision)	01322			93

Sl. No.	Licence No.	Operative Date (Year/Month)	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
8.	6396788	2003/05/25	M/s. East India Commercial Co. Ltd. Krishna Hessians Kotturu.	Jute Bags for packing of 50 Kg Sugar	15138			02
9.	6396889	2003/05/28	M/s. Kumar Industries Door No. 6/183, Opp. Ayyappa Temple Eluru Road, Kaikaluru Krishna District.	Specification for packaged drinking water (Other than packaged Natural Mineral Water)	14543			98
10.	6396990	2003/05/28	M/s. Rani Pipes 7-198/1, Phase I, Vinayak Nagar, Jeedimetla R. R. District-500055	Specification for high density Polyethylene pipes for Potable Water supplies (Fourth Revision)	04984			95
11.	6397184	2003/05/21	M/s. Kanta Rubber Pvt. Ltd. 143-144, Phase-V, Ida Jeedimetla, R. R. District	Rubber Air Hose (Fourth Revision)	00446			87
12.	6397285	2003/05/30	M/s. Cauvery Electrodes (I) Pvt. Ltd. No. 35-A, Jigani Kiadr, Indl. Area, Anekal Taluk Bangalore District.	Covered Electrodes for Manual Metal, ARC Welding of Carbon and Carbon Manganaese Steel (Fifth Revision)	00814			91
13.	6397386	2003/06/07	M/s. Sri Vasavi Thanga Maligai Varadaraja Complex 7 Main Road, Dindigul 624001	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and Marking-Specification (Third Revision)	01417			99
14.	6397386	2003/06/02	M/s. Kauvery Mineral Water S. F. No. 60/2B Vadakkur Thottam Pon Kovil Nagar, Pouikalipalayam Tirupur-641665	Specification for packaged drinking water (Other than packaged Natural Mineral Water)	14543			98
15.	6397487	2003/06/07	M/s. Sharon Veneers (P) Ltd. 48th K. M. Stone Gnt. Road, Chinna Obulapuram, Gummidipoondi-601201	Specification for Marine Plywoods (First Revision)	00710			76
16.	6397588	2003/06/07	M/s. Sharon Veneers (P) Ltd. 48th K. M. Stone Gnt. Road, Chinna Obulapuram, Gummidipoondi-601201	Specification for block Boards (Third Revision)	01659			90
17.	6397689	2003/06/07	M/s. Sharon Veneers (P) Ltd. 48th K. M. Stone Gnt. Road, Chinna Obulapuram, Gummidipoondi-601201	Specification for Plywood for concrete shuttering work (Second Revision)	04990			93

Sl. No.	Licence No.	Operative Date (Year/Month)	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
18.	6397790	2003/05/28	M/s. Vasavi Tubes & Conductors, Plot No. B1 & B2 Gooty Road, Guntakkal-515801	Conduits for Electrical Installations Part 3 : Rigid Plainconduits of Insulating Materilas	09537	03		83
19.	6397891	2003/05/17	M/s. Narmada Industries Survey No. 241/AA Redlakunta Village Kodad Mandal Nalgonda District.	Specification for 43 Grade Ordinary Portland Cement (First Revision)	08112			89
20.	6397992	2003/06/07	M/s. Sharp Industries S. F. No. 330/2, B2 Sitra Road, Kalapatty Coimbatore-641035	Submersible Pumpsets	08034			89
21.	6398085	2003/06/03	M/s. Associated Cement Companies Ltd. (Mancherial Cement Works) P.O. Mancherial, Cement Works Mancherial, Adilabad District Andhra Pradesh-504209	Specification for Portland Pozzolana Cement Part 1 Part 1 : Fly Ashbased (Third Revision)	01489	01		91
22.	6398186	2003/06/03	M/s. Sigma Cements (P) Ltd. Plot No. 4, Sy. No. 60 Bandlaguda Indl. Estate Mylardevpally Rajendra Nagar (Mandal) R. R. District	Specification for 53 Grade Ordinary Portland Cement	12269			87
23.	6398287	2003/06/11	M/s. Hari Guru Kripa Aqua Systems No. 112-113/2 P. H. Road, Puliambedu, Chennai-600077	Specification for packaged drinking water (Other than packaged Natural Mineral Water)	14543			98
24.	6398388	2003/06/11	M/s. Hydrotech Engineering Co., No. 103/75, G. N. T. Road, Ganapathy Garden Madhavaram, Chennai-600110	Deepweli, Handpumps Specification (Third Revision)	09301			90
25.	6398489	2003/06/07	M/s. Sharp Industries Door No. 7/61 Part, Goldwins North South Road, SF. No. 740/1E Part of Kalapatty Village, Coimbatore-641014	Submersible Pumpsets	08034			89
26.	6398590	2003/06/07	M/s. Mahalakshmi Pipes Plot No. 18 Industrial Estate, Kallur (V) Kumool-518003	Unplasticized PVC Pipes for potable water supplies- Specification (Third Revision)	04985			00
27.	6398691	2003/06/12	M/s. General Engineering Co. 1/42 & 43 Mettupalayam Road Coimbatore-641030	Submersible Pumpsets	08034			89

Sl. No.	Licence No.	Operative Date (Year/Month)	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
28.	6398893	2003/05/13	M/s. Jeevee Foods Pvt. Ltd. 25, Maruti Layout Kodigehalli Bangalore-560092	Specification for Protein-Rich Food supplements for Infants and Pre School, Children	07021			73
29.	6398994	2003/06/12	M/s. Solar Energizers (P) Ltd. 36/3, 1st Cross Pukraj Layout Bannerghatta Road, Adugodi Bangalore-560030	Solar flat plate Collector-Specification Part 1 : requirements (First Revision)	12933	01		92
30.	6399087	2003/06/07	M/s. Arra Associates No. 4/1, 6th Main Road Palace, Guttahalli Bangalore-560003	Specification for packaged Drinking Water (Other than packaged Natural Mineral Water)	14543			98
31.	6399188	2003/06/17	M/s. Sri Grand Enterprises S. R. No. 159/8 Sengadu V. Pudur Valavanur (Via) Vilupuram-605108	Specification for packaged Drinking Water (Other than packaged Natural Mineral Water)	14543			98
32.	6399289	2003/06/17	M/s. Sri Shivani Mineral Water, 19, II Street Zackriah Colony, Choolajmedu Chennai-600094	Specification for packaged Drinking Water (Other than packaged Natural Mineral Water)	14543			98
33.	6399390	2003/05/28	M/s. Attinad Prince Jewellery AMC 832/17 N. H. Road Attingal-695101	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and Marking-Specification (Third Revision)	01417			99
34.	6399491	2003/05/28	M/s. Kirloskar Electric Co. Ltd., Gokul Road, Hubli-580030	Construction & Testing of Electrical, Apparatus with type of protection 'C'	06381			72
35.	6399592	2003/06/11	M/s. Cascade Hello Termics Ltd., No. 355/2, Abbas Garden Road, Luma Nagar, Coimbatore-641025	Solar flat plate collector-Specification Part 1 : Requirements (First Revision)	12933	01		92
36.	6399792	2003/06/17	M/s. Sai Industry S. No. 889, Kovur Post Chropalem Road Kovur Mandal Nellore District-	Specification for packaged Drinking Water (Other than Packaged Natural Mineral Water)	14543			98
37.	6399793	2003/05/08	M/s. Nanchil conductors No. 6, Sidco Ind. Estate Sipcot Complex Gummidipoondi-601201	Aluminium conductors for overhead Transmission purposes Part 4 : Aluminium Alloy stranded conductors (Aluminium Magnesium Silicon type) (Third Revision)	00398	04		94
38.	6399794	2003/06/12	M/s. National Wood Products II/424, B, Manjeshwar Panchyath Kunjathur P. O. Bear Thalapady Kasaragod-671323	Specification for block Boards (Third Revision)	01659			90

Sl. No.	Licence No.	Operative Date (Year/Month)	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
39.	6399895	2003/06/12	M/s. National Wood Products II/424, B, Manjeshwar Panchyath Kunjathur P. O. Bear Thalapady Kasaragod-671323	Specification for plywood for General purposes (Third Revision)	00303			89
40.	6399996	2003/06/20	M/s. Suganthi & Company No. 45/30 Officers Colony 2nd Street, Metha Nagar, Chinnai-600029	Specification for packaged Drinking Water (Other than packaged Natural Mineral Water)	14543			98
41.	6400046	2003/06/20	M/s. Gokul Aqua Products 346-A, Ayyan Pappakudi Village, Aruppukkottai, Main Road, Madurai-625022	Specification for packaged Drinking Water (Other than packaged Natural Mineral Water)	14543			98
42.	6400147	2003/06/12	M/s. Five Falls Minerals S. f. No. 65/6, 65/7 Vridhachalam Main Road Uthangal, Neyveli-2-	Specification for packaged Drinking Water (Other than packaged Natural Mineral Water)	14543			98
43.	6400248	2003/06/20	M/s. Sri Annai Aqua Products 221, Annai Terasa Nagar, 6th St. Sholavaram Puzhuthivakkam, Chennai- 600091	Specification for packaged Drinking Water (Other than packaged Natural Mineral Water)	14543			98
44.	6400349	2003/06/12	M/s. East India Commercial Co. Ltd. (Unit : Krishna Jute Mills) Power Pet, G. N. T. Road Eluru West Godavari. DT.-	Jute Bags for packing of 50 Kg Sugar	15138			02
45.	6400450	2003/05/30	M/s. MPS Beverages Plot No. 21, Shringery Colony, Road No. S Mohan Nagar, Hyderabad-500035	Specification for packaged Drinking Water (Other than packaged Natural Mineral Water)	14543			98
46.	6400551	2003/06/11	M/s. Sripriya Industries Redlakunta Village Kodad Mandal Nalgonda District-	Specification for 43 grade ordinary portland cement (First Revision)	08112			89
47.	6400652	2003/06/17	M/s. Amman Arul Industries 68, Krishna Nagar Thimma- varam Chengalpattu Tahuk Kancheepuram District-	Specification for packaged drinking water (Other than packaged natural mineral water)	14543			98
48.	6400753	2003/06/18	M/s Soorya Jewellery B/No. 608, Ward No. 24, Thekkum Bagam Road Paravoor Kollam-691 301	Gold and gold alloys, Jewellery/Artefacts-Fineness and marking-specification (Third Revision)	01417			99

Sl. No.	Licence No.	Operative Date (Year/Month)	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
49.	6400854	2003/06/25	M/s. Sri Annamalai Mineral Water Works 28, 29, 30 Balan Nagar Orathanadu Thanjavur-614 625	Specification for packaged drinking water (Other than packaged natural mineral water)	14543			98
50.	6400955	2003/06/23	M/s. Anand Industries Survey No. 127/1B Mariyamman Koil Street Vengikkal village Tiruvannamalai-606 404	Specification for packaged drinking water (Other than packaged natural mineral water)	14543			98
51.	6401048	2003/06/11	M/s. Sripriya Industries Survey No. 246 Redlakunta Village Kodad Mandal Nalgonda District-	Specification for 43 grade ordinary portland cement (First Revision)	08112			89
52.	6401149	2003/06/18	M/s. Yash Industries F-17, IDA, Kukatpally Qutubulla-pur Mandal, R.R. District-500 037	Electric ceiling type fans and regulators (Third Revision)	00374			79
53.	6401250	2003/06/18	M/s. Akash Ganga Waters Vayuputra Complex Andrahalli Bangalore-560 091	Specification for packaged drinking water (Other than packaged natural mineral water)	14543			98
54.	6401351	2003/06/26	M/s. AAA Agro Products 67/4, Orakkadu Village Sholavaram Chennai-600 067	Specification for packaged drinking water (Other than packaged natural mineral water)	14543			98
55.	6401452	2003/06/12	M/s. M.A. Wood Products (P) Limited Battipadav Koliyoor Village P.O. Vorkady (Via) Manheshwar Kasaragod-671 323	Specification for plywood for general purposes (Third Revision)	00303			89
56.	6401553	2003/06/11	M/s. M.A. Wood Products (P) Limited Battipadav Koliyoor Village P.O. Vorkady (Via) Manheshwar Kasaragod-671 323	Specification for block boards (Third Revision)	01659			90
57.	6401654	2003/06/17	M/s. Barmecha PVC Wires Cables 5-35-240/A, Maitrinagar, Prasanth Nagar Kukatpally Balanagar (M) R. R. District.	PVC Insulated cables for working voltages upto and including 1100V (Third Revision)	00694			90

[No. CMD-4/13 : 11]

S.K. CHAUDHURI, Dy. Director General

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 अप्रैल, 2004

का. आ. 1004.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2058, तारीख 22 जुलाई, 2003, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, गेल (इंडिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में मौरावन स्थित जिला उन्नाव में विद्यमान इन्टरमीडिएट पिपिंग स्टेशन से सिटी गेट स्टेशन लखनऊ परियोजना तक फीडर गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइनों बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 15 नवम्बर, 2003 तक उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार, ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनों बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनों बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइनों बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइनों बिछाने का प्रस्ताव करने वाली गेल (इंडिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इंडिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	खसरा नं.	आर.ओ.यू. के लिए अर्जित क्षेत्रफल हेक्टेयर में
1	2	3	4	5
उन्नाव	पुवा	रसूलपुर	239	0.0990

1	2	3	4	5
उन्नाव	पुवा	रसूलपुर	240	0.0610
			91	0.0142
			94	0.0450
			89	0.1123
			88	0.0070
			42	0.0482
			41	0.0572
			92	0.0842
			86	0.0291
			241	0.0722
			80	0.0530
			90	0.0040
			235	0.0040
			237	0.0061
			234	0.0090
			231	0.0080
			40	0.0391
			39	0.0156
			कुल	0.7682
	बजौरा		107	0.0208
			106	0.0806
			110	0.0598
			111	0.0112
			112	0.0884
			113	0.0780
			87	0.0460
			115	0.0320
			117	0.1716
			116	0.1162
			119	0.1627
			120	0.0387
			121	0.4216
			122	0.0465
			123	0.1627
			128	0.0465
			127	0.0232
			129	0.1860
			134	0.1040
			133	0.1508
			140	0.1768
			142	0.0052
			143	0.1664
			28	0.0236
			20	0.0103
			22	0.0465
			107	0.0542
			141	0.0231
			17	0.1742
			21	0.0241
			कुल	2.7309

1	2	3	4	5
उन्नाव	पुखा	सीकरी	308/4	0.0624
			308/3	0.0520
			308/2	0.0160
			307/2	0.0016
			307/3	0.0364
			307/8	0.0182
			307/10	0.0409
			307/9	0.0048
			307/12	0.0624
			307/13	0.0234
			307/14	0.0442
			307/16	0.0078
			306/5	0.1820
			306/4	0.0182
			306/2	0.1118
			306/1	0.0124
			284/1	0.0156
			283/1	0.0468
			283/2	0.0494
			283/4	0.0572
			283/5	0.0520
			283/7	0.0702
			282	0.0078
			281/7	0.0676
			281/5	0.0104
			272	0.0832
			273	0.0208
			271	0.0208
			268	0.0572
			269	0.0078
			कुल	1.2613
	धुनदियाधर		127	0.0988
			126	0.0080
			125	0.0416
			124	0.1040
			34	0.0338
			123	0.0102
			122	0.0728
			121	0.0520
			120	0.1248
		Nala		0.0320
			40	0.0109
			41	0.0260
			44	0.0468
			45	0.0520
			46	0.1170
			55	0.1144
			60	0.0936
			49	0.0581
			50	0.0756
			53	0.0520
			कुल	1.2244

1	2	3	4	5
उन्नाव	पुखा	गोन्डवा	198	0.0520
			197	0.0416
			196	0.0780
			158	0.1040
			157	0.0364
			156	0.0104
			134	0.0260
			133	0.0260
			137	0.0520
			141	0.1040
			123	0.0032
			122	0.0676
			87	0.1040
			86	0.1196
			83	0.0610
			225	0.1040
			227	0.1560
			228	0.0676
			229	0.0780
			06	0.1248
			कुल	1.4162

[फ. सं. एल-14014/27/03-जी.पी.भाग-I]

स्वामी सिंह, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th April, 2004

S.O. 1004 .—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, Number S.O. 2058, dated the 22nd July, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of natural gas through Feeder Gas Pipeline from existing Intermediate Pigging Station At Maurawan Distt. Unnao to City Gate Station Luknow Project in the State of Uttar Pradesh by the GAIL (India) Limited;

And whereas, copies of the said Gazette notification were made available to the public on 15th November, 2003;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas, the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the

said land is required for laying the pipelines, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be Acquired for ROU in Hechates
1	2	3	4	5
Unnao	Purva	Rasoolpur	239	0.0990
			240	0.0610
			91	0.0142
			94	0.0450
			89	0.1123
			88	0.0070
			42	0.0482
			41	0.0572
			92	0.0842
			86	0.0291
			241	0.0722
			80	0.0530
			90	0.0040
			235	0.0040
			237	0.0061
			234	0.0090
			231	0.0080
			40	0.0391
			39	0.0156
			Total	0.7682
		Bachora	107	0.0208
			106	0.0806
			110	0.0598
			111	0.0112
			112	0.0884
			113	0.0780
			87	0.0460
			115	0.0320

1	2	3	4	5
Unnao	Purva	Rasoolpur	117	0.1716
			116	0.1162
			119	0.1627
			120	0.0387
			121	0.4216
			122	0.0465
			123	0.1627
			128	0.0465
			127	0.0232
			129	0.1860
			134	0.1040
			133	0.1508
			140	0.1768
			142	0.0052
			143	0.1664
			28	0.0236
			20	0.0103
			22	0.0465
			107	0.0542
			141	0.0231
			17	0.1742
			21	0.0241
			Total	2.7309
		Sagauli	315	0.0465
			314	0.1627
			313	0.0465
			312	0.0780
			317	0.0676
			310	0.0523
			302	0.0780
			177	0.0832
			175	0.0407
			176	0.0465
			174	0.4127
			138	0.9532
			143	0.0291
			100	0.1300
			98	0.0697
			97	0.0232
			94	0.0520
			95	0.0650
			87	0.0676
			188	0.0465
			167	0.0116
			179	0.0155
			144	0.0116
			145	0.0405
			309	0.0814
			308	0.0697
			305	0.0232
			307	0.0193
			Total	2.8238

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Bareitha	236	0.0531	Unnao	Purva	Shivgarh	384	0.0884
			233	0.0772				385	0.1279
			216	0.1620				383	0.0232
			215	0.1582				387	0.0145
			203	0.1051				378	0.0232
			195	0.0731				372	0.2092
			196	0.0732				373	0.0407
			67	0.0490				374	0.0523
			204	0.0012				157	0.0108
			202	0.0011				155	0.0837
			261	0.0762				154	0.0106
			214	0.0031				153	0.0756
			Total	0.8325				149	0.0581
								146	0.1627
		Kherwa	533	0.3022				131	0.1395
			531	0.0349				129	0.0349
			530	0.3139				126	0.0930
			Total	0.6510				127	0.1104
								112	0.0756
		Gonamau	20	0.1880				110	0.2674
			19	0.1200				113	0.1105
			18	0.1200				109	0.0348
			Total	0.4280				Total	1.8470
							Sikri	308/4	0.0624
		Barua Khurd	506	0.5252				308/3	0.0520
			488	0.0697				308/2	0.0160
			490	0.0145				307/2	0.0016
			487	0.0814				307/3	0.0364
			433	0.0242				307/8	0.0182
			432	0.4420				307/10	0.0409
			439	0.0465				307/9	0.0048
			440	0.0291				307/12	0.0624
			441	0.1744				307/13	0.0234
			445	0.2596				307/14	0.0442
			444	0.0436				307/16	0.0078
			108	0.0271				306/5	0.1820
			113	0.0698				306/4	0.0182
			119	0.0174				306/2	0.1118
			109	0.0349				306/1	0.0124
			117	0.0407				284/1	0.0156
			99	0.0232				283/1	0.0468
			100	0.1300				283/2	0.0494
			103	0.1404				283/4	0.0572
			104	0.116				283/5	0.0520
			84	0.1352				283/7	0.0702
			81	0.1627				282	0.0078
			51	0.0581				281/7	0.0676
			15	0.0465				281/5	0.0104
			14	0.0349				272	0.0832
			16	0.0233				273	0.0208
			12	0.0116				271	0.0208
			Total	2.6776				268	0.0572
								269	0.0078
								Total	1.2613

1	2	3	4	5
Unnao	Purva	Dundiathar	127	0.0988
			126	0.0080
			125	0.0416
			124	0.1040
			34	0.0338
			123	0.0102
			122	0.0728
			121	0.0520
			120	0.1248
		Nala		0.0320
			40	0.0109
			41	0.0260
			44	0.0468
			45	0.0520
			46	0.1170
			55	0.1144
			60	0.0936
			49	0.0581
			50	0.0756
			53	0.0520
		Total		1.2244
	Gondowa		198	0.0520
			197	0.0416
			196	0.0780
			158	0.1040
			157	0.0364
			156	0.0104
			134	0.0260
			133	0.0260
			137	0.0520
			141	0.1040
			123	0.0032
			122	0.0676
			87	0.1040
			86	0.1196
			83	0.0610
			225	0.1040
			227	0.1560
			228	0.0676
			229	0.0780
			06	0.1248
		Total		1.4162

[F.No. L-14014/27/2003-G.P. (Pt.I)]

SWAMI SINGH, Director

नई दिल्ली, 8 अप्रैल, 2004

का. आ. 1005 .—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि कर्नाटक राज्य में दामोल से बेंगलूर पाइपलाइन परियोजना तक पेट्रोलियम गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एस. एस. पट्टनशेट्टी, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, सं. 21, पैलेस रोड, मॉडर्न कारमेल कॉलेज के सामने, बेंगलूर-560052 (कर्नाटक) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

राज्य : कर्नाटक			जिल्ला : दावणगेरे
तालुका का नाम	ग्राम का नाम	सर्वे सं०	आर. ओ. यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4
हरपनहल्ली	कणिवेहल्ली	22	4-05
		21	0-34
		23	0-26
		24	1-06
		28	1-17
		29	0-03
		30	1-39
		41	1-14
		43	1-21
		62	1-21
		61	1-12
		80	2-00
		92	0-05

1	2	3	4	1	2	3	4
हरपनहल्ली	कणिवेहल्ली	87	2-24	हरपनहल्ली	मैदूर	सर्वे सं० 464 में रास्ता	0-05
		88	0-31			465	0-08
	90 राज्य राज्यमार्ग-25		0-14			473	1-07
		128	0-24			480	2-21
		129	1-03	हरपनहल्ली	चिगटेरी	20	1-10
		131	0-17			19	1-08
		130	1-06			22	1-11
		137	0-03			14	0-29
		136	2-17			13	0-15
	सर्वे सं० 141 में रास्ता		0-04			12	0-23
		140	0-16			110	0-08
		141	2-06			107	1-29
	सर्वे सं० 141 में नाला		0-07			108	1-05
		146	1-12			103 नाला	0-10
		149	1-10			सर्वे सं० 103 में रास्ता	0-05
		150	0-01			96	1-32
		151	1-20			97	2-05
हरपनहल्ली	नंदीबेवूर	529	1-07			173	0-33
		530	1-06			172	0-32
हरपनहल्ली	कोंगनहोसूर	87	2-28			171	1-26
		104	0-37			169	0-36
		102	2-04			170	1-04
		101	1-06			183	0-23
	सर्वे सं० 101 में नाला		0-05			519 रास्ता	0-07
		111	0-01			507	0-09
		109	0-14			506	1-04
		110	1-13			505	0-03
		113	1-07			504	0-34
		114	1-34			491	2-05
		145	0-07			490	0-22
		126	3-30			489	0-16
		127	0-03			488	0-23
		122	0-32			487	0-29
		129	0-02			448	0-13
		121	1-36			सर्वे सं० 448 और 455	0-10
		120	0-18			के बीच में रास्ता	
हरपनहल्ली	अजिकलगुड्डा	आरक्षित जंगल	3-10			452	0-13
हरपनहल्ली	मैदूर	187	2-21			453	1-14
		189	2-26			451	1-39
		190	1-31			455	0-04
		463	2-19			454	0-11
		464	0-35			456	1-14
						457	0-01
						382	1-36
						सर्वे सं० 382 में नाला	0-07

1	2	3	4	1	2	3	4
हरपनहल्ली	चिगटेरी	383	1-27	हरपनहल्ली	निलुवांजी सर्वे सं० 72 में रास्ता		0-02
		391	1-12			75	1-39
		392	0-02	हरपनहल्ली	मुष्टगी	159	0-17
		381	0-04	हरपनहल्ली	मत्तीहल्ली	244	1-07
हरपनहल्ली	पृथ्वीश्वर	25	2-09			245	0-34
		22	0-33			246	1-19
		20	1-35			247	1-21
		21	0-06			250	0-03
		57	0-14			251	1-02
		58	1-03	हरपनहल्ली	सासवीहल्ली	194	2-15
		59	0-22			200	0-01
		62	0-15			201	1-05
		63	0-28			202	0-27
		64	1-03			207	0-31
		67	0-09			208	0-22
		68	0-13			209	0-10
		69	0-10			210	0-04
		70	0-06			215	0-03
		71	0-11			216	0-06
		130	0-33			217	0-06
		129	0-12			224	0-31
		126	1-07			220	0-05
		124	2-25			221	0-16
	सर्वे सं० 124 में रेलवे लेन		0-08			234	2-36
		123	0-08			242	2-00
		121	1-14			240	0-25
		122	0-37			244	0-23
		178	0-25			251	0-25
	सर्वे सं० 178 और 174		0-07			252	0-34
	के बीच में नाला					257	1-22
		174	1-05			256	0-04
		173	1-03		सर्वे सं० 256 और 259		0-08
		171	0-23		के बीच में रास्ता		
		170	1-14			259	0-06
		233	0-33			255	2-26
		234	1-15		सर्वे सं० 255 में नाला		0-04
		235	0-29			264	1-18
		239	0-20			265	0-38
		244	1-16			266	1-05
		248	0-10			134	0-32
		247	2-36			133	1-10
		273	1-31			130	1-09
		272	0-02			132	0-06
हरपनहल्ली	निलुवांजी	71	2-16			125	0-31
		72	1-09			124	1-21

1	2	3	4	1	2	3	4
हरपनहल्ली	सासवीहल्ली	123	1-05	जगलूर	बसवनकोट	144	1-16
		122	0-04			145	1-03
		108	0-07			147	1-28
		105	0-20			146	1-12
		104	1-01			134	0-10
		103	1-38			136	1-27
		92	0-07			135	1-24
		102	2-35			97	0-34
		93	0-10			131	1-24
		100	1-39			130	1-32
		97	2-16			128	0-31
	सर्वे० सं० 100 में नाला	0-06				129	1-12
जगलूर	बसवनकोटे ग्राम सीमा और सर्वे					127	1-28
	सं० 233 के बीच में नाला	0-05				113	1-28
	233	1-13		जगलूर	सिछय्यनकोटे	29	1-22
	214	0-31				30	0-16
	229	1-15			सर्वे० सं० 30 और 31	0-06	
	215	1-03			के बीच में रास्ता-		
	216	1-13			31	0-18	
	208	0-13			35	1-31	
	218	1-07			48	1-12	
	206	4-28			सर्वे० सं० 48 और 49 के बीच	0-05	
	सर्वे० सं० 206 में नदी	0-35			में रास्ता		
	202	0-10			49	2-06	
	271	1-27			45	3-12	
	200	1-27			70	1-17	
	287	0-03			71	1-29	
	275	1-05			73	0-16	
	175	0-20			75	1-36	
	174	1-29			66	0-29	
	सर्वे० सं० 174 और 173	0-08			64	1-25	
	के बीच में रास्ता			जगलूर	वरवेनहल्ली सर्वे० सं० 2 में रास्ता	0-06	
	173	1-39			2	1-30	
	171	0-01			21	1-06	
	169	1-33			20	2-12	
	167	0-13			18	2-19	
	168	2-20			9	0-10	
	157	0-15			15	2-02	
	158	1-25			14	1-35	
	153	0-01		जगलूर	चल्लकट्टे	6	0-03
	152	1-00			5	3-19	
	159	0-10			9	1-10	
	सर्वे० सं० 159 और 143	0-06			10	1-30	
	के बीच में रास्ता				12	1-23	
	143	1-06			15	1-24	

1	2	3	4	1	2	3	4
जगलूर	चल्लकट्टे	17	0-24	जगलूर	गवाडी सर्वे० सं० 17 और 34 के		
		16	1-24		बीच में बैलगाड़ी रास्ता	0-05	
जगलूर	ठर्लकट्टे	13	0-22			34	0-33
		10	2-09			35	2-28
		7	1-01			45	1-20
		6	1-07			43	1-28
		5	0-21			54	2-37
		4	0-19			57	2-04
		2	0-21			60	1-17
		92	2-14			62	1-06
		93	0-01			63	2-12
		90	1-04			61	0-02
		88	0-02	जगलूर	लिंगणनहल्ली	26	1-26
		19	0-38			27	2-28
		87	0-01			21	0-12
	सर्वे० सं० 74 में नात्ता	0-04				19	0-25
	74	2-08				20	1-33
	75	0-02				18	2-23
	73	0-01				17	2-06
	66	0-11				10	1-37
	69	0-36				9	0-07
	सर्वे० सं० 68 में रास्ता	0-05		जगलूर	मुष्टगिरहल्ली	86	1-37
	68	1-13				89	1-23
	67	1-10				90	1-11
	56	0-02				2	1-08
	60	1-11				3	1-26
	61	1-02				58	1-11
	59	1-33				59	0-09
जगलूर	पल्लगट्टे	24	3-31		सर्वे० सं० 59 और 56 के		0-06
		30	1-23		बीच में रास्ता		
		31	0-08			56	1-37
जगलूर	तारेहल्ली	16	1-27			28	1-17
		15	3-11			32	0-06
		14	0-37			33	0-16
	सर्वे० सं० 14 और 15 में रास्ता	0-08				34	0-17
जगलूर	गवाडी	6	1-21			35	0-08
		8	0-37			36	0-08
		9	0-13			38	0-12
		10	0-35			39	1-08
		11	0-27	जगलूर	तोडदगुडु	16	1-12
		13	1-12			10	0-19
	सर्वे० सं० 13 में रास्ता	0-05				13	0-03
	20	0-20				12	0-20
	19	0-25				11	2-04
	17	0-32			सर्वे० सं० 11 में रास्ता		0-05
					9		1-22

1	2	3	4	1	2	3	4
जगलूर	बसापुर	4	1-16	जगलूर	सोमनहल्ली	17	0-03
		5	1-11			18	1-28
		7	2-09			19	1-19
जगलूर	शेट्टिगोंडनहल्ली	11	1-02			सर्वे सं० 22 में नाला	0-02
		10	1-12			22	2-23
		7	0-06	जगलूर	संतेमुदापुर	32	1-06
जगलूर	मेदगिनकेरी	43	0-06			सर्वे सं० 32 में रास्ता	0-05
		42	3-16			31	2-23
		32	0-13			33	3-26
		33	2-07			50	0-34
		34	1-14			35	3-29
	सर्वे सं० 34 और 18 के		0-08			सर्वे सं० 35 में रास्ता	0-05
	बीच में रास्ता					36	0-10
	18		0-05	जगलूर	रस्तेमाकुन्ते	40	1-30
	17		1-06			36	1-05
	सर्वे सं० 17 में नाला		0-04			37	0-37
	3		2-03			38	0-33
	4		0-33			34	1-09
	5		1-16			33	0-24
	6		1-18			32	1-39
	सर्वे सं० 71 में रास्ता		0-06	जगलूर	बिदरकेरे	68	2-31
	71		2-26			70	0-35
	68		4-01			69	1-37
जगलूर	कोरटिकेरी	9	0-01			74	0-04
		16	1-29			59	0-34
		15	1-24			58	1-20
		14	1-37			57	0-35
		13	1-32			53	0-15
		25	0-08			सर्वे सं० 53 और 51	0-06
		26	1-11			के बीच में रास्ता	
	सर्वे सं० 26 और 42		0-10			51	0-24
	के बीच में रास्ता					52	0-19
	42		0-21			1	0-26
	सर्वे सं० 42 और 41		0-04			2	0-21
	के बीच के रास्ता					3	0-12
	सर्वे सं० 42 में नाला		0-02			4	0-11
	41		0-15			5	0-15
	43		0-09			6	0-12
	40		0-24			9	0-13
	43		0-37			10	0-15
	39		0-23			11	1-29
	38		1-31			12	0-27
	36		2-32			167	1-08
	35		0-03			सर्वे सं० 11 और 167	0-05
						के बीच में रास्ता	

1	2	3	4
जगलूर	बिदरकेरे	15	1-24
	के बीच में बैलगाड़ी		
		रास्ता	0-09
		166	0-24
		154	2-12
		155	1-17
		150	2-10
		148	0-12
जगलूर	मठदधामव्वनहल्ली	36	1-00
		37	0-38
		38	1-37
		39	0-04
		40	2-21

[फा. सं एल-14014/5/04-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 8th April 2004

S. O. 1005.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Gas from Dabhol to Bangalore Pipeline Project in the State of Karnataka, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S.S. Pattanashetti, Competent Authority, GAIL (India) Limited, No. 21 Palace Road, Opposite Mount Carmel College, Bangalore-560052 (Karnataka).

Schedule			
Name of the Taluk	Name of the Village	Survey No.	Area to be acquired for ROU In hectare
1	2	3	4
Harapanahalli	Kanivehalli	22	4-05
		21	0-34
		23	0-26
		24	1-06
		28	1-17
		29	0-03
		30	1-39
		41	1-14
		43	1-21
		62	1-21
		61	1-12
		80	2-00
		92	0-05
		87	2-24
		88	0-31
		90/SH-25	0-14
		128	0-24
		129	1-03
		131	0-17
		130	1-06
		137	0-03
		136	2-17
	In Svy. No. 141/Road		0-04
		140	0-16
		141	2-06
	In Svy. No. 141/Nala		0-07
		146	1-12
		149	1-10
		150	0-01
		151	1-20
	Nandibevuru	529	1-07
		530	1-06
	Kongana Hosur	87	2-28
		104	0-37
		102	2-04
		101	1-06
	In Svy. No. 101 Nala		0-05
		111	0-01

1	2	3	4	1	2	3	4
Harapanahalli	Kongana Hosur	109	0-14	Harapanahalli	Chigateri	506	1-04
		110	1-13			505	0-03
		113	1-07			504	0-34
		114	1-34			491	2-05
		145	0-07			490	0-22
		126	3-30			489	0-16
		127	0-03			488	0-23
		122	0-32			487	0-29
		129	0-02			448	0-13
		121	1-36		In Bet Svy. No. 448 &	0-10	
		120	0-18			452/Road	
	Ajikala	Reserved Forest	3-10			452	0-13
	Gudda					453	1-14
Harapanahalli	Maidu	187	2-21			451	1-39
		189	2-26			455	0-04
		190	1-31			454	0-11
		463	2-19			456	1-14
		464	0-35			457	0-01
	In Svy. No. 464/Road	0-05				382	1-36
		465	0-08		In Svy. No. 382/Nala	0-07	
		473	1-07			383	1-27
		480	2-21			391	1-12
Harapanahalli	Chigateri	20	1-10			392	0-02
		19	1-08			381	0-04
		22	1-11	Harapanahalli	Prithvishwara	25	2-09
		14	0-29			22	0-33
		13	0-15			20	1-35
		12	0-23			21	0-06
		110	0-08			57	0-14
		107	1-29			58	1-03
		108	1-05			59	0-22
		103/Nala	0-10			62	0-15
	In Svy. No. 103/Road	0-05				63	0-28
		96	1-32			64	1-03
		97	2-05			67	0-09
		173	0-33			68	0-13
		172	0-32			69	0-10
		171	1-26			70	0-06
		169	0-36			71	0-11
		170	1-04			130	0-33
		183	0-23			129	0-12
		519/Road	0-07			126	1-07
		507	0-09			124	2-25

1	2	3	4
Harapanahalli Prithvishwara	In Svy. No. 124/Rly Stn.		
			0-08
	123		0-08
	121		1-14
	122		0-37
	178		0-25
	In Bet Svy. No. 178 &		0-07
	174/Nala		
	174		1-05
	173		1-03
	171		0-23
	170		1-14
	233		0-33
	234		1-15
	235		0-29
	239		0-20
	244		1-16
	248		0-10
	247		2-36
	273		1-31
	272		0-02
Harapanahalli Nilauvanji	71		2-16
	72		1-09
	In Svy. No. 72/Road		0-02
	75		1-39
Harapanahalli Mustagi	159		0-17
Harapanahalli Matthihalli	244		1-07
	245		0-34
	246		1-19
	247		1-21
	250		0-03
	251		1-02
Harapanahalli Sasavihalli	194		2-15
	200		0-01
	201		1-05
	202		0-27
	207		0-31
	208		0-22
	209		0-10
	210		0-04
	215		0-03
	216		0-06

1	2	3	4
Harapanahalli Sasavihalli	217		0-06
	224		0-31
	220		0-05
	221		0-16
	234		2-36
	242		2-00
	240		0-25
	244		0-23
	251		0-25
	252		0-34
	257		1-22
	256		0-04
	In Bet Svy. No. 256 &		0-08
	259/Road		
	259		0-06
	255		2-26
	In Svy. No. 255/Nala		0-04
	264		1-18
	265		0-38
	266		1-05
	134		0-32
	133		1-10
	130		1-09
	132		0-06
	125		0-31
	124		1-21
	123		1-05
	122		0-04
	108		0-07
	105		0-20
	104		1-01
	103		1-38
	92		0-07
	102		2-35
	93		0-10
	100		1-39
	97		2-16
	In Svy. No. 100/Nala		0-06
Jagalur	Basavankote	In Bet VB	0-05
		& Svy.No.233 Nala	
		233	1-13
		214	0-31
		229	1-15
		215	1-03

1	2	3	4	1	2	3	4
Jagalur	Basavankote	216	1-13	Jagalur	Siddaiahnakote	In Bet Svy.	
		208	0-13			No.30 &	0-06
		218	1-07			31/Road	
		206	4-28			31	0-18
	In Svy. No. 206/River		0-35			35	1-31
		202	0-10			48	1-12
		271	1-27		In Bet Svy. No. 48 &		0-05
		200	1-27			49/Road	
		287	0-03			49	2-06
		275	1-05			45	3-12
		175	0-20			70	1-17
		174	1-29			71	1-29
	In Bet Svy. No. 174 &					73	0-16
		173/Road	0-08			75	1-36
		173	1-39			66	0-29
		171	0-01			64	1-25
		169	1-33	Jagalur	Varavenahalli	In Svy.	0-06
		167	0-13			No. 2/Road	
		168	2-20			2	1-30
		157	0-15			21	1-06
		158	1-25			20	2-12
		153	0-01			18	2-19
		152	1-00			9	0-10
		159	0-10			15	2-02
	In Bet Svy. No. 159 &					14	1-35
		143/Road	0-06	Jagalur	Challakatte	6	0-03
		143	1-06			5	3-19
		144	1-16			9	1-10
		145	1-03			10	1-30
		147	1-28			12	1-23
		146	1-12			15	1-24
		134	0-10			17	0-04
		136	1-27			16	1-24
		135	1-24	Jagalur	Urlakatte	13	0-22
		97	0-34			10	2-09
		131	1-24			7	1-01
		130	1-32			6	1-07
		128	0-31			5	0-21
		129	1-12			4	0-19
		127	1-28			2	0-21
		113	1-28			92	2-14
Jagalur	Siddaiahnakote	29	1-22			93	0-01
		30	0-16			90	1-04

1	2	3	4	1	2	3	4
Jagalur	Urlakatte	88	0-02	Jagalur	Gwadi	62	1-06
		19	0-38			63	2-12
		87	0-01			61	0-02
	In Svy. No. 74/Nala		0-04	Jagalur	Lingannanahalli	26	1-26
		74	2-08			27	2-28
		75	0-02			21	0-12
		73	0-01			19	0-25
		66	0-11			20	1-33
		69	0-36			18	2-23
	In Svy. No. 68/Road		0-05			17	2-06
		68	1-13			10	1-37
		67	1-10			9	0-07
		56	0-02	Jagalur	Mushtagirahalli	86	1-37
		60	1-11			89	1-23
		61	1-02			90	1-11
		59	1-33			2	1-08
Jagalur	Pallagatte	24	3-31			3	1-26
		30	1-23			58	1-11
		31	0-08			59	0-09
Jagalur	Tharehalli	16	1-27		In Bet. Svy. No. 59 &		
		15	3-11		56/Road	56	0-06
		14	0-37			28	1-17
	In Svy. No. 14 & 15/Road		0-08			32	0-06
Jagalur	Gwadi	6	1-21			33	0-16
		8	0-37			34	0-17
		9	0-13			35	0-08
		10	0-35			36	0-08
		11	0-27			38	0-12
		13	1-12			39	1-08
	In Svy. No. 13/Road		0-05	Jagalur	Thotadagudda	16	1-12
		20	0-20			10	0-19
		19	0-25			13	0-03
		17	0-32			12	0-20
	In Bet. Svy. No. 17 &					11	2-04
	34/Cart Track		0-05				
		34	0-33			9	1-22
		35	2-28	Jagalur	Basapura	4	1-16
		45	1-20			5	1-11
		43	1-28			7	2-09
		54	2-37	Jagalur	Shettigon	11	1-02
		57	2-04		damahalli	10	1-12
		60	1-17			7	0-00

1	2	3	4	1	2	3	4
Jagalur	Medaginakeri	43	0-06	Jagalur	Rastemakunte	40	1-30
		42	3-16			36	1-05
		32	0-13			37	0-37
		33	2-07			38	0-33
		34	1-14			34	1-09
	In Bet. Svy. No. 34 & 0-08					33	0-24
	18/Road					32	1-39
	18	0-05		Jagalur	Bidarakere	68	2-31
	17	1-06				70	0-35
	In Svy. No. 17/Nala	0-04				69	1-37
	3	2-03				74	0-04
	4	0-33				59	0-34
	5	1-16				58	1-20
	6	1-18				57	0-35
	In Svy. No. 71/Road	0-06				53	0-15
	71	2-26					
	68	4-01				In Bet. Svy. No. 53 &	
Jagalur	Kortikeri	9	0-01			51/Road	0-06
		16	1-29			51	0-24
		15	1-24			52	0-19
		14	1-37			1	0-26
		13	1-32			2	0-21
		25	0-08			3	0-12
		26	1-11			4	0-11
	In Bet Svy. No. 26 &					5	0-15
	42/Road	0-10				6	0-12
	42	0-21				9	0-13
	In Svy. No. 42 &					10	0-15
	41/Road	0-04				11	1-29
	In Svy. No. 42/Nala	0-02				12	0-27
	41	0-15				167	1-08
	43	0-09				In Bet. Svy. No. 11	0-05
	40	0-24				& 167/Road	
	43	0-37				15	1-24
	39	0-23				In Bet. Svy. No. 15	0-09
	38	1-31				& 166/Cart Track	
	36	2-32				166	0-24
	35	0-03				154	2-12
Jagalur	Somanahalli	17	0-03			155	1-17
		18	1-28			150	2-10
		19	1-19			148	0-02
	In Svy. No. 22/Nala	0-02		Jagalur	Mathadadya-	36	1-00
	22	2-23			mavvanahalli	37	0-38
Jagalur	Santhemud-	32	1-06			38	1-37
	dapura					39	0-04
	In Svy. No. 32/Road	0-05				40	2-21
	31	2-23					
	33	3-26					
	50	0-34					
	35	3-29					
	In Svy. No. 35/Road	0-05					
	36	0-10					

नई दिल्ली, 8 अप्रैल, 2004

का.आ. 1006.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि कर्नाटक राज्य में दाभोल से बेंगलूर पाइपलाइन परियोजना तक पेट्रोलियम गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एस. एस. पट्टनशेट्टी, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, सं. 21, पैलेस रोड, मॉउण्ट कारमेल कॉलेज के सामने, बेंगलूर-560052 (कर्नाटक) को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
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1	2	3	4	5
चित्रदुर्ग	चित्रदुर्ग	बिस्तिहल्ली	13	0-10
			43	2-22
			41	2-23
			47	0-05
			39	2-12
			50	0-06
			51	0-39
			52	2-20
			53	0-22
			54	1-22
			55	0-05
			56	1-01

1	2	3	4	5
			सर्वे सं. 56 और 78 के बीच में बैलगाडी रास्ता	0-06
			78	1-04
			77	1-09
	यल्लगोडु		87	1-17
			85	0-32
			89	0-33
			सर्वे सं. 89 में नाला	0-03
			91	2-31
			92	0-02
	मुद्दापुर		42	2-05
			41	1-37
			45	1-14
			47	2-15
			46	1-39
			48	0-02
			सर्वे सं. 48 और 26 के बीच में रास्ता	0-06
			49	0-16
			30	0-38
			29	0-20
			27	1-22
			25	1-23
			24	1-11
			22	1-09
			सर्वे सं. 22 में रास्ता	0-08
			21	2-23
			14	1-13
			16	1-14
			15	0-37
	सुरेगहल्ली		8	2-02
			62	1-06
			61	0-01
			60	1-32
			45	1-04
			सर्वे सं. 45 में रास्ता	0-06
			44	2-22
			43	1-22

1	2	3	4	5	1	2	3	4	5
चित्रदुर्ग	चित्रदुर्ग	सुलतानपुर	87	1-34	चित्रदुर्ग	चित्रदुर्ग	गुड्डा रंगव्वनहल्ली	127	0-01
			88	0-16				122	1-05
			91	1-09				121	0-07
			93	0-33				120	2-35
			92	0-19				149	2-23
			98	1-22				151	1-15
			101	0-05				154	1-28
			100	1-02				152	0-19
			9	0-12				153	0-21
			8	0-21				271	2-36
			103	0-01				272	0-10
			7	0-28				273	1-17
			6	0-15				287	1-39
			5	0-35				285	2-03
			2	0-16				284	2-12
			1	1-18				282	0-33
			64	1-07				299	2-28
		सर्वे सं. 64 और		0-30				298	0-17
		40 के बीच में						301	1-36
		नाला						302	0-04
		40		0-26				19	0-02
		41		0-27				18	2-25
		सर्वे सं. 41		0-05				32	1-24
		में नाला					सर्वे सं. 32 और		0-16
		42		0-36			74 के बीच में		
		50		1-30			बैलगाडी रास्ता		
		सर्वे सं. 50		0-04			74		0-29
		में रास्ता					73		2-04
		47		2-17			70		1-26
		48		1-26			81		2-02
		110		1-09			82		0-01
		रायणनहल्ली		1-30			69		0-22
		20		0-09			68		1-33
		17		1-02			सर्वे सं. 68 में		0-12
		19		1-01			राष्ट्रीय राजमार्ग-13		
		18		1-38			67		2-36
		23		0-18			66		1-23
		22		1-36			सर्वे सं. 66		0-08
		24		1-21			में रास्ता		
		गुड्डा		1-01			53		0-01
		रंगव्वनहल्ली	सर्वे सं. 125	0-05			52		1-24
		में नाला					51		0-34
		126		1-38			50		1-14

1	2	3	4	5
चित्रदुर्ग	चित्रदुर्ग	मल्लापुर	93	2-33
			94	0-38
			112	1-33
			115	0-11
			116	2-02
			सर्वे सं. 116	0-03
			में रास्ता	
			118	1-26
			119	1-13
			सर्वे सं. 119	0-03
			में रास्ता	
			123	0-13
			22	0-38
			24	1-05
			सर्वे सं. 24 और	0-09
			ग्राम सीमा के बीच	
			में जलधारा	
		गोवनूर	109	0-37
			सर्वे सं. 109	0-09
			में रास्ता	
			108	0-21
			106	0-28
			104	0-18
			105	0-01
			सर्वे सं. 104 और	0-06
			102 के बीच में	
			बैलगाडी रास्ता	
			102	2-26
			113	2-13
			96	1-18
			95	0-31
			94	1-03
		मेदकेरपुर	101	1-35
			सर्वे सं. 101	0-04
			में नाला	
			102	0-20
			100	1-11
			99	0-25
			104	0-31
			105	1-35
			117	1-28

1	2	3	4	5
चित्रदुर्ग	चित्रदुर्ग	मेदकेरपुर	106	2-34
			118	0-25
			199	0-01
			222	0-19
			182	1-00
			181	0-25
			180	0-23
			179	0-11
			223	0-18
			6	1-09
		दोड्डसिद्धप्पन-	353	2-26
		हल्ली	354	3-06
			सर्वे सं. 354	0-05
			में रास्ता	
			343	0-37
			सर्वे सं. 343 और	0-08
			355 के बीच में	
			राज्य राजमार्ग	
			355	1-18
			360	1-30
			358	3-29
			371	3-09
			सर्वे सं. 371	0-05
			में रास्ता	
			370	2-03
			सर्वे सं. 370	0-07
			में रेलवे लेन	
			377	1-02
			376	1-32
			379	2-17
			381	1-31
			272	2-10
			383	0-01
			271	0-12
			265	2-20
			266	1-17
			सर्वे सं. 266	0-05
			और 5 के बीच	
			में रास्ता	
			5	1-03
			4	1-33
			6	0-36
			7	0-22

1	2	3	4	5	1	2	3	4	5
चित्रदुर्ग	चित्रदुर्ग	दोड्डसिद्धप्पन-हल्ली	8	0-02	चित्रदुर्ग	चित्रदुर्ग	दोड्डसिद्धप्पन-हल्ली	534	1-08
			11	1-02			जंघण-	258	3-08
			10	0-03			नायकनकोटे	257	2-18
			12	0-02				262	0-02
			13	1-32				256	1-08
		सर्वे. सं. 13 में		0-07				250	1-14
		नाला						251	2-22
		705		0-21				252	1-11
		सर्वे. सं.		0-06				244	1-34
		705 में रास्ता					सर्वे. सं. 244		0-17
		742		0-32			और ग्राम सीमा के बीच में नाला		
		741		0-13					
		सर्वे. सं.		0-06	हिरियूर	पालपनहल्ली	31		0-02
		741 में रास्ता					32		0-33
		740		0-24			मरंडिहल्ली	57	0-27
		739		0-24				65	1-28
		687		1-35				59	2-32
		686		0-17				64	0-30
		688		0-24			सर्वे. सं. 64 और 61 के बीच में रास्ता		0-04
		685		2-18				61	2-12
		684		1-16				37	2-28
		682		1-34				39	0-31
		681		0-02				35	1-28
		661		1-19			सर्वे. सं.		0-06
		663		1-20			35 में रास्ता		
		665		0-35				34	1-25
		664		1-33				13	0-18
		659		0-27				30	0-11
		523		2-31				14	0-32
		522		0-21				15	2-01
		525		0-22				16	0-33
		520		1-39				17	0-32
		519		1-16				18	2-12
		सर्वे. सं.		0-04				19	1-12
		519 में नाला						9	0-01
		509		0-09			रेमंगल	68	2-09
		518		1-28				67	1-29
		530		2-11				66	0-1381 में
		531		2-10					
		सर्वे. सं.		0-03					
		531 में रास्ता							
		532		2-10					
		533		0-15					

1	2	3	4	5	1	2	3	4	5
चित्रदुर्ग	हिरियूर	ऐमगल	सर्वे सं.	0-11	चित्रदुर्ग	हिरियूर	कुरुडगोरेनहल्ली	28	0-01
			81 में रास्ता		(जारी)	(जारी)			
			81	0-31				27	3-12
			82	2-02				23	1-00
			86	2-34				21	2-13
			85	1-35				19	0-32
			89	1-35				18	0-38
			90	1-35				16	2-20
			131	0-09				15	0-03
			132	0-22			गिडोबनहल्ली	16	1-37
			133	0-21				15	0-29
			130	0-36				17	1-10
			138	1-08				18	0-26
			सर्वे. सं.	0-07				21	1-12
			138 में रास्ता					सर्वे. सं. 21	0-03
			143	1-24				में रास्ता	
			144	1-02				22	1-13
			145	1-08				सर्वे. सं. 26	0-04
	तालवट्टि		29	0-20				में रास्ता	
			27	2-01				26	1-01
			सर्वे. सं. 27					23	0-02
			और 26 के	0-05				25	0-11
			बीच में रास्ता					24	2-18
			26	2-19			मेटकुर्कि	110	1-17
			207	1-15				101	3-22
			206	2-31				102	1-14
			202	1-20				118	1-05
			203	1-03				117	0-26
			198	1-30				120	3-15
			200	0-03				122	2-23
			199	2-20				123	1-06
			176	1-05				करेओबप्पनहल्ली	65
			177	2-04				63	2-07
			178	1-18				60	0-03
			167	0-29				59	1-00
			165	1-20				58	0-15
			166	0-13				गन्नायकनहल्ली	53
			163	2-29				60	1-37
			162	0-01				51	0-32
			161	1-04				61	0-26
			160	1-14				सर्वे. सं. 61	
			159	3-27				और 50 के बीच	0-11
			गुयिलालु	102	2-02			में रास्ता	
				103	2-02				
				104	1-19				

1	2	3	4	5	1	2	3	4	5
चित्रदुर्ग (जारी)	हिरियूर (जारी)	गन्नायकनहल्ली	50	2-25	चित्रदुर्ग (जारी)	हिरियूर (जारी)	बब्बूर (जारी)	147	0-27
			49	1-07				146	1-19
			सर्वे. सं. 49	0-05				सर्वे. सं. 146	
			और 20 में रास्ता					और 154 के बीच	0-10
			20	2-18				में राज्य राजमार्ग-24	
			21	0-30				154	1-18
			सर्वे. सं.	0-08				सर्वे. सं. 154	0-14
			23 में रास्ता					में रास्ता	
			23	2-32				161	0-34
			24	0-17				162	0-24
			37	2-22				164	1-16
			36	1-38				165	1-12
			35	0-21				166	1-24
		म्याकलूरहल्ली	16	2-31				188	1-31
			17	0-02				192	2-16
			29	1-03				सर्वे. सं. 195	0-04
			28	1-20				में रास्ता	
			27	2-23				195	1-08
			सर्वे. सं. 26	0-05				354	0-19
			में रास्ता					191	0-01
			26	0-31				सर्वे. सं. 195	
			सर्वे. सं. 26	0-09				और 354 के	0-08
			और 33 के बीच में					बीच में नाला	
			राज्य राजमार्ग-19					353	1-04
			33	1-08				356	2-37
			34	1-39				357	0-06
		बब्बूर	88	0-20				358	1-19
			87	2-01			आलूर	सर्वे. सं. 458	0-06
			90	0-25				में रास्ता	
			84	2-23				458	0-27
			93	1-25				419	0-26
			94	1-15				418	0-21
			95	2-02				417	0-18
			71	0-11				416	0-09
			96	0-35				415	1-06
			110	1-11				386	1-16
			111	1-01				411	0-31
			112	1-20				412	0-01
			113	1-09				410	0-23
			114	0-28				409	0-15
			117	1-35				389	0-26
			116	1-32					

1	2	3	4	5	1	2	3	4	5
चित्रदुर्ग (जारी)	हिरियूर (जारी)	आलूरू (जारी)	388	0-24	चित्रदुर्ग (जारी)	हिरियूर (जारी)	रायबोम्मनहल्ली (जारी)	6	1-17
			390	0-01				7	2-26
			सर्वे. सं. 388					10	1-16
			और ग्राम सीमा	0-24				9	0-25
			के बीच में नदी				वडुनहल्ली	13	1-04
		नंदिहल्ली	सर्वे. सं. 49	0-24				14	2-12
			और ग्राम सीमा					15	1-15
			के बीच में नदी					16	1-07
			49	0-03				19	1-03
			48	2-15				35	0-18
			47	1-27				36	0-18
			46	3-24				37	0-19
			सर्वे. सं. 46	0-03				38	0-19
			में रास्ता					39	0-18
			51	0-02				40	0-23
			44	0-15				17	0-39
			43	1-06				18 रास्ता	0-07
			सर्वे. सं. 43	0-04				34	0-08
			में नाला					33	0-09
		नंदिहल्ली	42	1-05				32	0-09
			40	1-06				31	0-11
			41	2-30				30	0-11
			35	0-29				29	0-14
			34	1-17				28	0-16
			सर्वे. सं. 34	0-03				27	0-14
			में रास्ता					26	0-25
		आदिवाल	174	0-31				25	0-08
			175	1-07			बगनडविन	सर्वे. सं. 5 में	0-13
			सर्वे. सं. 175				कावल	राष्ट्रीय गजमार्ग-4	
			और 30 के	0-14				5	1-11
			बीच में नाला						
			30	2-09			बगनडवु	47	1-35
			39	2-04				88	0-11
			42	0-39				92	0-01
			40	0-09				77	0-01
			41	1-35				87	3-17
			45	1-13				78	1-00
			46	1-28				79	0-36
			47	1-17				80	1-17
			49	2-33				81	0-03
		रायबोम्मनहल्ली	3	1-16				75	2-01
			4	2-10				70	0-32

1	2	3	4	5	1	2	3	4	5
चित्रदुर्ग (जारी)	हिरियूर (जारी)	बगनडबु (जारी)	73	0-08	चित्रदुर्ग (जारी)	हिरियूर (जारी)	करियाल (जारी)	120	2-13
			71	1-24				119	0-01
			72	1-39				118	1-05
			56	0-02				सर्वे. सं. 118	0-06
			61	0-05				में नाला	
			58	1-21				200	1-05
			59	0-39				201	0-04
			60	2-04				199	1-07
		आनेशिंद्रि	92	0-01				126	1-06
			91	2-33				सर्वे. सं. 126	
		सर्वे. सं. 91		0-02				और 222 के	0-25
		में रास्ता	86	0-35				बीच में नदी	
			87	2-24				222	1-19
			88	0-33				221	0-05
			20	2-29				220	0-25
			19	0-17				95	1-30
			18	2-01				89	0-08
		सर्वे. सं. 17		0-06				94	0-22
		में रास्ता	17	1-08				92	0-01
			16	0-30				91	2-21
			2	0-01				सर्वे. सं. 84	0-06
			15	1-29				में रास्ता	
			6	0-38				84	1-17
			14	2-12				83	1-28
			34	0-04				183	0-27
			12	0-38				सर्वे. सं. 35	0-15
			11	1-15				में नाला	
			35	0-24				35	0-19
		जावगोंडनल्ली	54	0-33				36	1-33
			51	2-10				32	1-01
			48	4-08				197	1-08
		सर्वे. सं. 48		0-04				सर्वे. सं. 197	0-09
		में रास्ता	184	1-24				में नाला	
		करियाल	110	1-05				196	1-24
			113	0-10				39	3-00
		सर्वे. सं. 112		0-04				40	4-01
		में रास्ता	112	2-01				29	0-04
			114	2-00					

[फा. सं. एल-14014/5/04-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 8th April, 2004

S.O. 1006.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Gas from Dabhol to Bangalore Pipeline Project in the State of Karnataka, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twentyone days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S.S. Pattanashetti, Competent Authority, GAIL (India) Limited, No. 21 Palace Road, Opposite Mount Carmel College, Bangalore-560052 (Karnataka).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU In Hectare
1	2	3	4	5
Chitra-durga	Chitra-durga	Bisthihalli	13	0-10
			43	2-22
			41	2-23
			47	0-05
			39	2-12
			50	0-06
			51	0-39
			52	2-20
			53	0-22
			54	1-22
			55	0-05
			56	1-01
			In Bet Svy No. 56 & 78 Cart Track	0-06
			78	1-04
			77	1-09
			Yelagodu 87	1-17

1	2	3	4	5
Chitra-durga	Chitra-durga	Yelagodu (contd.)	85	0-32
			89	0-33
			In Svy No. 89 Nala	0-03
			91	2-31
			92	0-02
		Muddapura	42	2-05
			41	1-37
			45	1-14
			47	2-15
			46	1-39
			48	0-02
			In Bet Svy No. 48 & 46 Road	0-06
			49	0-16
			30	0-38
			29	0-20
			27	1-22
			25	1-23
			24	1-11
			22	1-09
			In Svy. No. 22 Road	0-08
			21	2-23
			14	1-13
			16	1-14
		Surenahalli	15	0-37
			8	2-02
			62	1-06
			61	0-01
			60	1-32
			45	1-04
			In Svy. No. 45 Road	0-06
			44	2-22
			43	1-22
		Sulatanapura	87	1-34
			88	0-16
			91	1-09
			93	0-33
			92	0-19
			98	1-22
			101	0-05

1	2	3	4	5	1	2	3	4	5
Chitra-	Chitra-	Sultanapura	100	1-02	Chitra-	Chitra-	Guddadar-	152	0-19
durga	durga	(contd.)	9	0-12	durga	durga	angouvanahalli	153	0-21
			8	0-21			(Contd.)	271	2-36
			103	0-01				272	0-10
			7	0-28				273	1-17
			6	0-15				287	1-39
			5	0-35				285	2-03
			2	0-16				284	2-12
			1	1-18				282	0-33
			64	1-07				299	2-28
			In Bet Svy					298	0-17
			No. 64 & 40	0-30				301	1-36
			Nala					302	0-04
			40	0-26				19	0-02
			41	0-27				18	2-25
			In Svy					32	1-24
			No. 41 Nala	0-05				In Bet. Svy.	
			42	0-36				No. 32 & 74	0-16
			50	1-30				Cart Track	
			In Svy					74	0-29
			No. 50 Road	0-04				73	2-04
			47	2-17				70	1-26
			48	1-26				81	2-02
			110	1-09				82	0-01
								69	0-22
								68	1-33
		Rayan-	16	1-30				In Svy.	
		nanahalli	20	0-09				No. 68 NH-13	0-12
			17	1-02				67	2-36
			19	1-01				66	1-23
			18	1-38				In Svy.	
			23	0-18				No. 66 Road	0-08
			22	1-36				53	0-01
			24	1-21				52	1-24
			125	1-01				51	0-34
		Guddada-	In Svy.	0-05				50	1-14
		rangavva-	No. 125 Nala					93	2-33
		nahalli	126	1-38			Mallapura	94	0-38
			127	0-01				112	1-33
			122	1-05				115	0-11
			121	0-07				116	2-02
			120	2-35				In Svy.	
			149	2-23				No. 116 Road	0-03
			151	1-15				118	1-26
			154	1-28				119	1-13

1	2	3	4	5	1	2	3	4	5
Chitra- durga	Chitra- durga	Mallapura (Contd.)	In Svy No. 119 Road	0-03	Chitra- durga	Chitra- durga	Doddasidda- vvanahalli	343	0-37
			123	0-13			(Contd.)	In Bet Svy.	0-08
			22	0-38				343 & 355 SH	
			24	1-05				355	1-18
			In Bet Svy					360	1-30
			No. 24 & V.B.					358	3-29
			Stream	0-09				371	3-09
		Govanur	109	0-37				In Svy. No.	0-05
			In Svy No. 109	0-09				371 Road	
			Road					370	2-03
			108	0-21				In Svy. No. 370	0-07
			106	0-28				Railway line	
			104	0-18				377	1-02
			105	0-01				376	1-32
			In Bet Svy	0-06				379	2-17
			No. 104 & 102					381	1-31
			Cart Track					272	2-10
			102	2-26				383	0-01
			113	2-13				271	0-12
			96	1-18				265	2-20
			95	0-31				266	1-17
			94	1-03				In Bet Svy. No.	0-05
		Medakerapura	101	1-35				266 & 5 Road	
			In Svy No.	0-04				5	1-03
			101 Nala					4	1-33
			102	0-20				6	0-36
			100	1-11				7	0-22
			99	0-25				8	0-02
			104	0-31				11	1-02
			105	1-35				10	0-03
			117	1-28				12	0-02
			106	2-34				13	1-32
			118	0-25				In Svy.	0-07
			199	0-01				No. 13 Nala	
			222	0-19				705	0-21
			182	1-00				In Svy.	0-06
			181	0-25				No. 705 Road	
			180	0-23				742	0-32
			179	0-11				741	0-13
			223	0-18				In Svy.	0-06
			6	1-09				No. 741 Road	
		Doddasidda- vvanahalli	353	2-26				740	0-24
			354	3-06				739	0-24
			In Svy. No.	0-05				687	1-35
			354 Road						

1	2	3	4	5	1	2	3	4	5
Chitra-	Chitra-	Doddasidda-	686	0-17	Chitra-	Hiriyur	Maradihalli	In Bet. Svy.	
durga	durga	vvanahalli	688	0-24	durga			No. 64 & 61	0-04
			685	2-18				Road	
			684	1-16				61	2-12
			682	1-34				37	2-28
			681	0-02				39	0-31
			661	1-19				35	1-28
			663	1-20				In Svy.	0-06
			665	0-35				No. 35 Road	
			664	1-33				34	1-25
			659	0-27				13	0-18
			523	2-31				30	0-11
			522	0-21				14	0-32
			525	0-22				15	2-01
			520	1-39				16	0-33
			519	1-16				17	0-32
			In Svy.	0-04				18	2-12
		No. 519 Nala						19	1-12
		509	0-09					9	0-01
		518	1-28				Imangala	68	2-09
		530	2-11					67	1-29
		531	2-10					66	0-13
		In Svy.	0-03					In Svy	0-11
		No. 531 Road						No. 81 Road	
		532	2-10					81	0-31
		533	0-15					82	2-02
		534	1-08					86	2-34
Jamppannana-		258	3-08					85	1-35
yakanakote		257	2-18					89	1-35
		262	0-02					90	1-35
		256	1-08					131	0-09
		250	1-14					132	0-22
		251	2-22					133	0-21
		252	1-11					130	0-36
		244	1-34					138	1-08
		In Bet Svy.						In Svy	0-07
		No. 244 &	0-17					No. 138 Road	
		V.B.Nala						143	1-24
								144	1-02
Hiriyur	Palavanahalli	31	0-02					145	1-08
		32	0-33					29	0-20
	Maradihalli	57	0-27				Thalavatti	27	2-01
		65	1-28					In Svy.	
		59	2-32					No. 27 & 26	0-05
		64	0-30					Road	

1	2	3	4	5	1	2	3	4	5
Chitra-	Hiriyur	Thalavatti	26	2-19	Chitra-	Hiriyur	Giddobanbahalli	25	0-11
durga			207	1-15	durga			24	2-18
			206	2-31			Metakurki	110	1-17
			202	1-20				101	3-22
			203	1-03				102	1-14
			198	1-30				118	1-05
			200	0-03				117	0-26
			199	2-20				120	3-15
			176	1-05				122	2-23
			177	2-04				123	1-06
			178	1-18			Kareobavv-	65	2-25
			167	0-29			anahalli		
			165	1-20				63	2-07
			166	0-13				60	0-03
			163	2-29				59	1-00
			162	0-01				58	0-15
			161	1-04			Gannaik-	53	2-03
			160	1-14			anahalli		
			159	3-27				60	1-37
			102	2-02				51	0-32
		Gulahi	103	2-02				61	0-26
			104	1-19				In Bet. Svy.	
			28	0-01				No. 61 & 50	0-11
		Kurud-						Road	
		-agerenahalli	27	3-12				50	2-25
			23	1-00				49	1-07
			21	2-13				In Svy. No.	0-05
			19	0-32				49 & 20 Road	
			18	0-38				20	2-25
			16	2-20				21	0-30
			15	0-03				In Svy	0-08
								No. 23 Road	
		Giddobanahalli	16	1-37				23	2-32
			15	0-29				24	0-17
			17	1-10				37	2-22
			18	0-26				36	1-38
			21	1-12				35	0-21
			In Svy.	0-03			Myakalurahalli	16	2-31
			No. 21 Road					17	0-02
			22	1-13				29	1-03
			In Svy.	0-04				28	1-20
			No. 26 Road					27	2-23
			26	1-01				In Svy.	0-05
			23	0-02				No. 26 Road	

1	2	3	4	5	1	2	3	4	5
Chitra-	Hiriyur	Myakalurahalli	26	0-31	Chitra-	Hiriyur	Babbur	353	1-04
durga		In Bet. Svy.		0-09	durga			356	2-37
		No. 26 & 33						357	0-06
		S.H. 19						358	1-19
		33		1-08			Aluru	In Svy No.	0-06
		34		1-39				458 Road	
Chitra-	Hiriyur	Babbur	88	0-20				458	0-27
durga			87	2-01				419	0-27
			90	0-25				418	0-21
			84	2-23				417	0-18
			93	1-25				416	0-09
			94	1-15				415	1-06
			95	2-02				386	1-16
			71	0-11				411	0-31
			96	0-35				412	0-01
			110	1-11				410	0-23
			111	1-01				409	0-15
			112	1-20				389	0-26
			113	1-09				388	0-24
			114	0-28				390	0-01
			117	1-35					
			116	1-32				In Bet Svy.	
			147	0-27				No. 388 &	0-24
			146	1-19				V.B.River	
		In Bet Svy.					Nandihalli	In Bet. V.B.	0-24
		No. 146 & 154		0-10				& Svy. No.	
		SH-24						49 River	
		154		1-18				49	0-03
		In Svy No.		0-14				48	2-15
		154 Road						47	1-27
		161		0-34				46	3-24
		162		0-24				In Svy. No.	0-03
		164		1-16				46 Road	
		165		1-12				51	0-02
		166		1-24				44	0-15
		188		1-31				43	1-06
		192		2-16				In Svy. No.	0-04
		In Svy No.		0-04				43 Nala	
		195 Road						42	1-05
		195		1-08				40	1-06
		354		0-54				41	2-30
		191		0-01				35	0-29
		In Bet Svy						34	1-17
		No. 195 & 354		0-08				In Svy.No.	0-03
		Canal						34 Road	

1	2	3	4	5	1	2	3	4	5
Chitra-	Hiriyur	Adivala	174	0-31	Chitra-	Hiriyur	Vaddanahalli	25	0-08
durga			175	1-07	durga		Bagganadav-In	Svy. No. 5 NH-4	0-13
		In Bet Svy					inakaval	5	1-11
		No. 175 & 30		0-14			Bagganadavi	47	1-35
		Canal						88	0-11
		30		2-09				92	0-01
		39		2-04				77	0-01
		42		0-39				87	3-17
		40		0-09				78	1-00
		41		1-35				79	0-36
		45		1-13				80	1-17
		46		1-28				81	0-03
		47		1-17				75	2-01
		49		2-33				70	0-32
		Rayabomm-	3	1-16				73	0-08
		anahalli	4	2-10				71	1-24
			6	1-17				72	1-39
			7	2-26				56	0-02
			10	1-16				61	0-05
			9	0-25				58	1-21
		Vaddanahalli	13	1-04				59	0-39
			14	2-12				60	2-04
			15	1-15			Aneshindri	92	0-01
			16	1-07				21	2-33
			19	1-03				In Svy.	0-02
			35	0-18				No 91 Road	
			36	0-18				26	0-35
			37	0-19				87	2-24
			38	0-19				88	0-33
			39	0-18				20	2-29
			40	0-23				19	0-17
			17	0-39				18	2-01
			18 Road	0-07				In Svy.	0-06
			34	0-08				No. 17 Road	
			33	0-09				17	1-08
			32	0-09				16	0-30
			31	0-11				2	0-01
			30	0-11				15	1-29
			29	0-14				6	0-38
			28	0-16				14	2-12
			27	0-14				34	0-04
			26	0-25				12	0-38
								11	1-15
								35	0-24

1	2	3	4	5
Chitra-durga	Hiriyur	Javagond-anahalli	54	0-33
			51	2-10
			48	4-08
		In Svy. No. 48 Road		0-04
	Kariyala		184	1-24
			110	1-05
			113	0-10
		In Svy No. 118 112 Road		0-04
			112	2-01
			114	2-00
			120	2-13
			119	0-01
			118	1-05
		In Svy. No. 118 Canal		0-06
			200	1-05
			201	0-04
			199	1-07
			126	1-06
		In Bet Svy. No. 126 & 222 River		0-25
			222	1-19
			221	0-05
			220	0-25
			95	1-30
			89	0-08
			94	0-22
			92	0-01
			91	2-21
		In Svy. No. 84 Road		0-06
			84	1-17
			83	1-28
			183	0-17
		In Svy. No. 35 Nala		0-05
			35	0-19
			36	1-33
			32	1-01
			197	1-08
		In Svy No. 197 Canal		0-09

1	2	3	4	5
Chitra-durga	Hiriyur	Javagond-anahalli	196	1-24
			39	3-00
			40	4-01
			29	0-04
[F. No. L-14014/5/04-G.P.]				
SWAMI SINGH, Director				

नई दिल्ली, 8 अप्रैल, 2004

का.आ. 1007 .—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में दहेज-वेमार-विजयपुर पाइपलाइन परियोजना के माध्यम से पेट्रोलियम गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एस. टी. वन्जा, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, प्रथम तल, दर्पण बिल्डिंग, आर. सी. दत्त रोड, अल्कापुरी, वडोदरा-390005, गुजरात को लिखित रूप में आपेक्ष भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
भरूच	भरूच	सीमलीया	91	0-53-00
	वागरा	सारन	316	0-11-40
		वहीयाल	516	0-21-00
			474	0-01-00
	आमोद	समनी	386	0-59-40
				1-45-80

[फा. सं. 14014/7/03-जी.पी.]

स्वामी सिंह, निदेशक,

New Delhi, the 8th April, 2004

S. O. 1007.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum gas through Dahej-Vemar-Vijaipur pipeline project in the State of Gujarat, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-Section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S. T. Vanza, Competent Authority, GAIL (India) Limited, 1st floor Darpan Building, R. C. Dutt Road, Alkapuri, Vadodara-390005, Gujarat.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Bharuch	Bharuch	Simaliya	91	0-53-00
	Vagra	Saran	316	0-11-40
		Vahiyat	516	0-21-00
			474	0-01-00
	Amod	Sanmi	386	0-59-40
				01-45-80

[F. No. L-14014/7/03-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 8 अप्रैल, 2004

का.आ. 1008.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उत्तर प्रदेश राज्य में मौरावन स्थित जिला उन्नाव में विद्यमान इन्टरमीडिएट पिगिंग स्टेशन से सिटी गेट स्टेशन लखनऊ परियोजना तक फीडर गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त

पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री बी. एम. मिश्र, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, बी-35-36, सेक्टर-1, नोएडा-201301 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
लखनऊ	लखनऊ	मैमोरा	608	0.0442
			439	0.0064
			441	0.0300
			391	0.0280
			कुल	0.1086
		किशनपुर	578	0.0264
		कोडिया	525	0.0234
			446	0.0616
			447	0.0468
			475	0.0050
			474	0.0340
			476	0.0140
			480	0.0416
			469	0.0100
			468	0.0572
			527	0.0412
			कुल	0.3612
		नेवान	149	0.0168
			146	0.0580
			147	0.0260
			139	0.0080

1	2	3	4	5
लखनऊ	लखनऊ	नेवान-(जारी)	140	0.0260
			141	0.0286
			144	0.0312
			132	0.0660
			124	0.0624
			112	0.0692
			110	0.0200
			30	0.0130
			32	0.0520
			100	0.0090
			99	0.0364
			27	0.0080
			कुल	0.5306
		कुरौनी	2069	0.0520
			2060	0.0080
			1588	0.0050
			1589	0.0050
			1602	0.1092
			1587	0.1780
			1528	0.0800
			1527	0.0210
			1520	0.0785
			1521	0.0390
			1639	0.1040
			1653	0.0400
			1425	0.0260
			1424	0.0260
			1426	0.0260
			1430	0.1040
			869	0.0050
			433	0.1040
			419	0.0780
			420	0.0290
			407	0.0590
			288	0.0410
			कुल	1.2177
		मीरानपुर	674	0.0260
			619	0.1040
			632	0.0468
			628	0.0676
			537	0.0936
			525	0.0728
			514	0.0104
			कुल	0.4212

1	2	3	4	5
लखनऊ	लखनऊ	नटकुर	1764	0.0130
			1766	0.1612
			1523	0.0865
			1522	0.0064
			1524	0.0149
			1525	0.0650
			1526	0.0015
			1494	0.0624
			1484	0.1286
			कुल	0.5395

[फा. सं. एल-14014/27/03-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 8th April, 2004

S. O. 1008.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Feeder Gas Pipeline from existing Intermediate Pigging Station at Maurawan Distt., Unmao to City Gate Station Lucknow Project in the State of Uttar Pradesh, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri B.M. Mishra, Competent Authority, GAIL (India) Limited, B-35 & 36, Sector-1, Noida-201301 (Uttar Pradesh).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Lucknow	Lucknow	Memoura	608	0.0442
			439	0.0064

1	2	3	4	5	1	2	3	4	5
Lucknow	Lucknow	Memoura	441	0.0300	Lucknow	Lucknow	Kirauni	1425	0.0260
			391	0.0280				1424	0.0260
			Total	0.1086				1426	0.0260
		Kishanpur	578	0.0264				1430	0.1040
		Kauria	525	0.0234				869	0.0050
			446	0.0616				433	0.1040
			447	0.0468				419	0.0780
			475	0.0050				420	0.0290
			474	0.0340				407	0.0590
			476	0.0140				288	0.0410
			480	0.0416				Total	1.2177
			469	0.0100			Miranpur	674	0.0260
			468	0.0572				619	0.1040
			527	0.0412				632	0.0468
			Total	0.3612				628	0.0676
		Newan	149	0.0168				537	0.0936
			146	0.0580			Miranpur	525	0.0728
			147	0.0260				514	0.0104
			139	0.0080				Total	0.4212
			140	0.0260			Natkur	1764	0.0130
			141	0.0286				1766	0.1612
			144	0.0312				1523	0.0865
			132	0.0660				1522	0.0064
			124	0.0624				1524	0.0149
			112	0.0692				1525	0.0650
			110	0.0200				1526	0.0015
			30	0.0130				1494	0.0624
			32	0.0520				1484	0.1286
			100	0.0090				Total	0.5395
			99	0.0364				[F.No. L-14014/27/03-G.P.]	
			27	0.0080				SWAMI SINGH, Director	
			Total	0.5306				नई दिल्ली, 8 अप्रैल, 2004	
		Kurauni	2069	0.0520				का.आ. 1009 .—केन्द्रीय सरकार को लोकहित में यह आवश्यक	
			2060	0.0080				प्रतीत होता है कि उत्तर प्रदेश राज्य में मौरावन स्थित जिला उन्नाव में	
			1588	0.0050				विद्यमान इन्टरमीडिएट पिगिंग स्टेशन से सिटी गेट स्टेशन लखनऊ	
			1589	0.0050				परियोजना तक फीडर गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के	
			1602	0.1092				परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई	
			1587	0.1780				जानी चाहिए;	
			1528	0.0800				और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के	
			1527	0.0210				लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त	
			1520	0.0785				पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से	
			1521	0.0390				संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया	
			1639	0.1040				जाए;	
			1653	0.0400					

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री बी. एम. मिश्र, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, बी-35-36, सैक्टर-1, नोएडा-201301 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हैक्टेयर में)
1	2	3	4	5
उन्नाव	पुरवा	सेमरी	458	0.0520
			457	0.0988
			455	0.0260
			454	0.0260
			कुल	0.2028
		सरवन	1434	0.0146
			1315	0.0120
			1320	0.0468
			1332	0.0160
			866	0.0286
			867	0.0286
			864	0.0104
			719	0.0117
			361	0.0080
			364/968	0.0145
			537	0.0064
			533	0.0144
			555	0.0689
			कुल	0.2809
		सरवारा	89	0.0182
			84/388	0.0040
			92/391	0.0010
			कुल	0.0232

1	2	3	4	5
उन्नाव	पुरवा	सरबैया	214	0.0130
			215	0.0240
			212/644	0.0260
			210	0.0572
			189	0.0234
			117	0.0568
			116	0.0286
			115	0.1300
			114	0.0504
			113	0.0056
			108	0.0544
			कुल	0.4694
		इन्डियाथर	52	0.0260
			54	0.0520
			58	0.1092
			कुल	0.1872
		सगौली	303	0.0130
			99	0.0090
			कुल	0.0220
		रसूलपुर	280	0.0020
			281/1	0.0468
			281	0.1248
			242	0.0048
			86	0.0312
			238	0.0005
			267	0.0064
			नाला	0.0048
			कुल	0.2213
		शिवागढ़	377	0.0104
			381	0.0050
			कुल	0.0154

[फा. सं. एल-14014/27/03-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 8th April, 2004

S.O. 1009 —Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Feeder Gas Pipeline from existing Intermediate Pigging Station At Maurawan Distt., Unnao to City Gate Station Lucknow Project in the State of Uttar Pradesh, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is

necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri B.M. Mishra, Competent Authority, GAIL (India) Limited, B-35 & 36, Sector-1, Noida-201301 (Uttar Pradesh).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU In Hectare
1	2	3	4	5
Unnao	Purva	Semri	458	0.0520
			457	0.0988
			455	0.0260
			454	0.0260
			Total	0.2028
		Sarwan	1434	0.0146
			1315	0.0120
			1320	0.0468
			1332	0.0160
			866	0.0286
			867	0.0286
			864	0.0104
			719	0.0117
			361	0.0080
			364/968	0.0145
			537	0.0064
			533	0.0144
			555	0.0689
			Total	0.2809
	Sarwara		89	0.0182
			84/388	0.0040
			92/391	0.0010
			Total	0.0232
	Sarbaiya		214	0.0130
			215	0.0240
			212/644	0.0260

1	2	3	4	5	
Unnao	Purva	Sarbaiya	210	0.0572	
			189	0.0234	
			117	0.0568	
			116	0.0286	
			115	0.1300	
			114	0.0504	
			113	0.0056	
			108	0.0544	
			Total	0.4694	
		Dundiathar	52	0.0260	
			54	0.0520	
			58	0.1092	
			Total	0.1872	
		Sagauli	303	0.0130	
			99	0.0090	
			Total	0.0220	
		Rasoolpur	280	0.0020	
			281/1	0.0468	
			281	0.1248	
			242	0.0048	
			86	0.0312	
			238	0.0005	
			267	0.0064	
			Nala	0.0048	
			Total	0.2213	
			Shivgarh	377	0.0104
				381	0.0050
		Total		1.0154	

[F. No. L-14014/27/03-G.P.]

SWAMI SINGH, Director

नई दिल्ली 8 अप्रैल, 2004

का.आ. 1010.—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2058 तारीख, 22 जुलाई, 2003 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, गेल (इंडिया) लिमिटेड द्वारा उत्तर प्रदेश राज्य में मौरावन स्थित जिला उन्नाव में विद्यमान इन्टरमीडिएट पिपिंग स्टेशन से सिटी गेट स्टेशन लखनऊ परियोजना तक फीडर गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 19 जनवरी, 2004 से 29 जनवरी, 2004 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के सम्बन्ध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनों बिछाने के लिए अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइनों बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइनों बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइनों बिछाने का प्रस्ताव करने वाली गेल (इंडिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इंडिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
उन्नाव	पुरवा	वलिया	70	0.0792
			69	0.0224
			67	0.2643
			65	0.3441
			68	0.0105
			77	0.1202
			80	0.0015
			89	0.1801
			90	0.1082
			88	0.0111
			86	0.0192
			94	0.1091
			465	0.1082

1	2	3	4	5
उन्नाव	पुरवा	वलिया	477	0.1281
			571	0.0723
			83	0.0051
			569	0.0131
			562	0.1601
			561	0.1401
			560	0.0442
			559	0.0480
			558	0.0442
			557	0.0011
			556	0.1011
			555	0.0432
			554	0.0011
			549	0.0882
			480	0.0091
उन्नाव	पुरवा	वलिया	655	0.0421
			657	0.0482
			658	0.0161
			661	0.0190
			664	0.0281
			665	0.1980
			666	0.0012
			627	0.0561
			कुल	2.6859
		सरवारा	318	0.0572
			382	0.1001
			375	0.0573
			377	0.0252
			376	0.0541
			378	0.0221
			328	0.0392
			329	0.0671
			333	0.1122
			334	0.0961
			335	0.0501
			225	0.0470
			224	0.0062
			228	0.0510
			229	0.0321
			230	0.0701
			231	0.0031
			232	0.0780
			233	0.0221

1	2	3	4	5	1	2	3	4	5
उन्नाव	पुरवा	सरखन	234	0.0011	उन्नाव	पुरवा	सरखन	1313	0.0022
			235	0.0171				1327	0.0530
			236	0.0130				1329	0.1241
			237	0.0081				1331	0.0371
			163	0.0641				1333	0.0182
			161	0.0391				1222	0.0501
			84	0.0201				1223	0.0131
			85	0.0321				920	0.0091
			86	0.0891				1328	0.1281
			88	0.0252				956	0.0142
			90	0.0131				957	0.0251
			91	0.0031				955	0.0620
			92	0.0110				953	0.0141
			93	0.0261				944	0.0532
			97	0.0341				945	0.0423
			19	0.0340				1320	0.0361
			12	0.0100				948	0.0011
			09	0.0281				949	0.0031
			10	0.0122				923	0.1240
			08	0.0761				922	0.0492
			162	0.0452				918	0.0191
			158	0.0560				917	0.0161
			96	0.1120				915	0.0342
			130	0.0862				865	0.0023
			83	0.0481				868	0.0641
			385	0.2312				869	0.3202
			337	0.0011				718	0.0541
			223	0.0021				337	0.0221
			238	0.1142				336	0.0362
			239	0.0011				720	0.0080
			87	0.0621				342	0.0392
			374	0.0011				533	0.0113
			कुल	2.3075				343	0.0362
		सरखन	1435	0.0320				344	0.0041
			1436	0.0312				345	0.0091
			1438	0.0231				346	0.1252
			1442	0.1150				362	0.0701
			1305	0.0621				555	0.0111
			1306	0.0251				364	0.0892
			1307	0.0412				538	0.0581
			1309	0.0031				536	0.0032
			1308	0.0512				534	0.2802
			1314	0.0191				535	0.0341
								530	0.0211

1	2	3	4	5	1	2	3	4	5
उन्नाव	पुरवा	सरखन	549	0.0402	उन्नाव	पुरवा	सरखैया	185	0.0520
			550	0.1242				186	0.0390
			563	0.0231				187	0.0312
			565	0.0542				सी	0.0208
			566	0.0362				डी	0.1092
			569	0.0021				110	0.0192
			495	0.0412				111	0.0299
			488	0.0212				112	0.0442
			486	0.0271				107	0.0520
			485	0.0221				106	0.0080
			570	0.1252				कुल	0.8673
			1417	0.0012			समाधा	2451	0.1279
			1373	0.0652				2445	0.1453
			335	0.0012				2447	0.0102
			338	0.0012				2395	0.1511
			863	0.0641				2394	0.1513
			341	0.0022				2393	0.0465
			532	0.0012				2389	0.2061
			551	0.0013				2388	0.0988
			506	0.0011				2387	0.0523
			496	0.0222				2386	0.0581
			481	0.0012				2373	0.0232
			483	0.0282				2371	0.0639
			965	0.1322				2372	0.0349
			963	0.0671				2357	0.0320
			347	0.0021				2358	0.2151
			360	0.0011				2354	0.1570
			543	0.0122				2355	0.0194
			567	0.0012				1627	0.1860
			568	0.0022				1628	0.1424
			1228	0.0011				1621	0.1280
			493	0.0012				1620	0.0116
			कुल	3.6186				1349	0.1482
		सरखैया	223	0.0032				1597	0.0232
			बी	0.0072				1568	0.0116
			225	0.0260				1595	0.0872
			213	0.0416				1594	0.1686
			211	0.0040				1593	0.0581
			212	0.0650				1588	0.0103
			209	0.1144				1589	0.1453
			ए	0.0364				1351	0.0814
			191	0.1040				1335	0.0407
			188	0.0600				1334	0.6626

1	2	3	4	5
उन्नाव	पुरवा	चौपाई	114	0.0520
			193	0.1300
			194	0.0156
			320	0.0468
			113	0.0260
			118	0.0291
			115	0.0932
			116	0.0520
			62	0.1040
			61	0.0103
			57	0.0832
			55	0.1040
			54	0.0468
			59	0.0052
			कुल	2.4570
	बिलौरा		187	0.1040
			186	0.0520
			185/923	0.0523
			170	0.0103
			175	0.0320
			174	0.0676
			172	0.0728
			161	0.1248
			160	0.0676
			134	0.0104
			122	0.0624
			123	0.0468
			118	0.0145
			125	0.1664
		नाला		0.0052
			126	0.0468
			53	0.1092
			51	0.1170
			57	0.0650
			46	0.0407
			52	0.0103
			54	0.0640
			38	0.0104
			39	0.0988
			26	0.0530
		नाला		0.0530
			14	0.1248
			15	0.0780
			10	0.0048
			09	0.0507
			कुल	1.8156

[फा. सं. एल-14014/27/03-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 8th April, 2004

S.O. 1010.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2058 dated the 22nd July, 2003, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipelines for the transportation of natural gas through Feeder Gas Pipeline from existing Intermediate Piggings Station at Maurawan Distt. Unnao to City Gate Station Lucknow Project in the State of Uttar Pradesh by the GAIL (India) Limited;

And whereas copies of the said Gazette notifications were made available to the public from 19th January, 2004 to 29th January, 2004;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the competent authority;

And whereas the competent authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipelines, has decided to acquire the right of user therein.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines:

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipelines shall, instead of vesting in the Central Government, vest, on the date of the publication of the declaration, in the GAIL (India) Limited, proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in the GAIL (India), free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU in (Hectare)
1	2	3	4	5
Unnao	Purva	Walia	70	0.0792
			69	0.0224
			67	0.2643

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Walia	65	0.3441	Unnao	Purva	Sarwara	335	0.0501
			68	0.0105				225	0.0470
			77	0.1202				224	0.0062
			80	0.0015				228	0.0510
			89	0.1801				229	0.0321
			90	0.1082				230	0.0701
			88	0.0111				231	0.0031
			86	0.0192				232	0.0780
			84	0.1091				233	0.0221
			465	0.1082				234	0.0011
			477	0.1281				235	0.0171
			571	0.0723				236	0.0130
			83	0.0051				237	0.0081
			569	0.0131				163	0.0641
			562	0.1601				161	0.0391
			561	0.1401				84	0.0201
			560	0.0442				85	0.0321
			559	0.0480				86	0.0891
			558	0.0442				88	0.0252
			557	0.0011				90	0.0131
			556	0.1011				91	0.0031
			555	0.0432				92	0.0110
			554	0.0011				93	0.0261
			549	0.0882				97	0.0341
			480	0.0091				19	0.0340
			655	0.0421				12	0.0100
			657	0.0482				09	0.0281
			658	0.0161				10	0.0122
			661	0.0190				08	0.0761
			664	0.0281				162	0.0452
			665	0.1980				158	0.0560
			666	0.0012				96	0.1120
			627	0.0561				130	0.0862
			Total	2.6859				83	0.0481
		Sarwara	318	0.0572				385	0.2312
			382	0.1001				337	0.0011
			375	0.0573				223	0.0021
			377	0.0252				238	0.1142
			376	0.0541				239	0.0011
			378	0.0221				87	0.0621
			328	0.0392				374	0.0011
			329	0.0671				Total	2.3075
			333	0.1122			Sarwan	1435	0.0320
			334	0.0961				1436	0.0312

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Sarwan	1438	0.0231	Unnao	Purva	Sarwan	362	0.0701
			1442	0.1150				555	0.0111
			1305	0.0621				364	0.0892
			1306	0.0251				538	0.0381
			1307	0.0412				536	0.0032
			1309	0.0031				534	0.2802
			1308	0.0512				535	0.0341
			1314	0.0191				530	0.0211
			1313	0.0022				549	0.0402
			1327	0.0530				550	0.1242
			1329	0.1241				563	0.0231
			1331	0.0371				565	0.0542
			1333	0.0182				566	0.0362
			1222	0.0501				569	0.0021
			1223	0.0131				495	0.0412
			920	0.0091				488	0.0212
			1328	0.1281				486	0.0271
			956	0.0142				485	0.0221
			957	0.0251				570	0.1252
			955	0.0620				1417	0.0012
			953	0.0141				1373	0.0652
			944	0.0532				335	0.0012
			945	0.0423				338	0.0012
			1320	0.0361				863	0.0641
			948	0.0011				341	0.0022
			949	0.0031				532	0.0012
			923	0.1240				551	0.0013
			922	0.0492				506	0.0011
			918	0.0191				496	0.0222
			917	0.0161				481	0.0012
			915	0.0342				483	0.0282
			865	0.0023				965	0.1322
			868	0.0641				963	0.0671
			869	0.3202				347	0.0021
			718	0.0541				360	0.0011
			337	0.0221				543	0.0122
			336	0.0362				567	0.0012
			720	0.0080				568	0.0022
			342	0.0392				1228	0.0011
			533	0.0113				493	0.0012
			343	0.0362				Total	3.6186
			344	0.0841			Sarbaiya	223	0.0032
			345	0.0091				B	0.0072
			346	0.1252				225	0.0260

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Sarbaiya	213	0.0416	Unnao	Purva	Samadha	1593	0.0581
			211	0.0040				1588	0.0103
			212	0.0650				1589	0.1453
			209	0.1144				1351	0.0814
			A	0.0364				1335	0.0407
			191	0.1040				1334	0.6626
			188	0.0600				1332	0.0378
			185	0.0520				Total	3.5361
			186	0.0390			Semri	466	0.0581
			187	0.0312				472	0.0639
			C	0.0208				474	0.0348
			D	0.1092				473	0.0320
			110	0.0192				476	0.0160
			111	0.0299				475	0.1046
			112	0.0442				668	0.0581
			107	0.0520				477	0.0639
			106	0.0080				678	0.1162
			Total	0.8673				679	0.1744
		Samadha	2451	0.1279				680	0.1802
			2445	0.1453				681	0.0103
			2447	0.0102				683	0.2620
			2395	0.1511				682	0.0581
			2394	0.1513				684	0.2441
			2393	0.0465				770	0.1569
			2389	0.2061				769	0.1162
			2388	0.0988				768	0.0232
			2387	0.0523				773	0.0697
			2386	0.0581				785	0.0291
			2373	0.0232				781	0.1744
			2371	0.0639				782	0.1627
			2372	0.0349				784	0.0697
			2357	0.0320				494	0.1279
			2358	0.2151				495	0.0424
			2354	0.1570				493	0.1162
			2355	0.0194				497	0.0698
			1627	0.1860				490	0.0523
			1628	0.1424				491	0.0349
			1621	0.1280				473	0.4069
			1620	0.0116				474	0.0252
			1349	0.1482				467	0.0929
			1597	0.0232				468	0.2209
			1568	0.0116				420	0.0523
			1595	0.0872				425	0.1627
			1594	0.1686				426	0.0814
								Total	3.7644

1	2	3	4	5	1	2	3	4	5
Unnao	Purva	Neemtikar	108	0.0939	Unnao	Purva	Chaupal	114	0.0520
			124	0.1279				193	0.1300
			126	0.0407				194	0.0156
			123	0.0872				320	0.0468
			122	0.0698				113	0.0260
			120	0.0401				118	0.0291
			121	0.1627				115	0.0932
			165	0.1744				116	0.0520
			78	0.4127				62	0.1040
			74	0.0120				61	0.0103
			77	0.0174				57	0.0832
			76	0.2325				55	0.1040
			119	0.0120				54	0.0468
			116	0.0650				59	0.0052
			75	0.1861				Total	2.4570
			74	0.0756			Biloura	187	0.1040
			54	0.0378				186	0.0520
			38	0.2058				185/923	0.0523
			39	0.1397				170	0.0103
			05	0.0639				175	0.0320
			09	0.0465				174	0.0676
			10	0.1627				172	0.0728
			14	0.0208				161	0.1248
			08	0.1861				160	0.0676
			01	0.0016				134	0.0104
			02	0.0104				122	0.0624
			Total	2.6853				123	0.0468
		Chaupal	257	0.0195				118	0.0145
			256	0.1352				125	0.1664
			254	0.1430				Nala	0.0052
			253	0.0080				126	0.0468
			271	0.0988				53	0.1092
			272	0.0494				51	0.1170
			243	0.2340				57	0.0650
			291	0.0407				46	0.0407
			241	0.0381				52	0.0103
			242	0.0106				54	0.0640
			240	0.0814				38	0.0104
			296	0.0465				39	0.0988
			297	0.1820				26	0.0530
			305	0.0523				Nala	0.0530
			304	0.1924				14	0.1248
			314	0.0639				15	0.0780
			316	0.0378				10	0.0048
			313	0.0387				09	0.0507
			315	0.0832				Total	1.8156
			328	0.0931				[F. No. L-14014/27/03-G.P.]	
			194	0.0349				SWAMI SINGH, Director	

नई दिल्ली, 8 अप्रैल, 2004

का.आ. 1011.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि उत्तर प्रदेश राज्य में एसवी स्टेशन में स्थित सचेन्डी में विद्यमान एचवीजे पाइपलाइन परियोजना से सिटी गेट स्टेशन फजलगंज, कानपुर तक प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, बी-35 व 36, सैक्टर-1, नोएडा-201301 उत्तर प्रदेश को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गांव	खसरा नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हैक्टेयर में)
1	2	3	4	5
कानपुर	कानपुर	बिनौर	1065	0.1747
			1090	0.0323
		नहर		0.1955
			134	0.3887
			135	0.0676
			136	0.1468
			138	0.0412
			193	0.1592
			192	0.0404
			194	0.0093
			191	0.1077
			190	0.1368
			156	0.2921

1	2	3	4	5
कानपुर	कानपुर	बिनौर	154	0.0148
			157	0.2268
			153	0.1030
			152	0.0814
			150	0.1207
			160	0.2004
			2073	0.0564
			2074	0.1642
			162	0.5030
			163	0.3925
			164	0.1093
			कुल	3.7648
	सचेन्डी		2137	0.6158
			2189	0.0930
			2138	0.2064
			2747व	0.2660
			2146	0.0013
			2148	0.0425
			2162व	0.0444
			2163	0.2301
			2180	0.4948
			चकमार्ग	0.0272
			2556	0.2912
			2555	0.6638
			2554	0.0189
			2553	0.0126
			2294व	0.4175
			2294अ	0.2875
			2303	0.0022
			2298	0.0129
			2299	0.2587
			2300	0.0710
			2301	0.1076
			2302व	0.0139
			2307	0.0423
			2308	0.4060
			2316व	0.0086
			2484	0.4060
			2483	0.2411
			2330	0.5949
			2331	0.0511

1	2	3	4	5	1	2	3	4	5
कानपुर	कानपुर	सर्वेडी	2411	0.2679	कानपुर	कानपुर	सोना	39	0.4412
			2412	0.1320				38	0.0317
			2403	0.0329				37	0.5784
			2405	0.3531				36	0.0693
			2406	0.0836				35	0.0565
			2409	0.2400				कुल	1.1771
			नहर	0.1340			गद्दीकानपुर	151	0.0257
			1157	0.1952				152	0.0089
			रास्ता	0.0240				153अ	0.0880
			1159	0.0059				153ब	0.1223
			1158	0.0358				169	0.0278
			1451	0.2658				148	0.0322
			1452	0.0055				170ब	0.2291
			1450	0.1348				107अ	0.0196
			1444	0.1609				137	0.4658
			1448	0.0072				138	0.1896
			1442	0.3168				134ब	0.0882
			1442अ	0.1535				122	0.1021
			1434	0.2789				123	0.0069
			1433	0.0064				125	0.2543
			1422	0.1391				127	0.0590
			1424	0.0172				128	0.0988
			1425	0.1781				129	0.0110
			1423	0.3142				सड़क	0.0481
			1416	0.2450				92	0.0292
			1415	0.3228				91	0.0683
			1414	0.1421				90	0.0553
			1398	0.0224				95	0.2534
			1398अ	0.0463				89	0.0326
			1399ब	0.0759				96	0.2650
			1399	0.0670				100	0.0370
			1403	0.0396				65	0.0169
			1400ब	0.0115				66	0.3816
			1396	0.3628				36	0.0428
			1402	0.0880				37	0.2949
			1392	0.0028				चकमार्ग	0.0127
			1391	0.0508				39	0.0185
			1390अ	0.1493				22	0.1750
			1390ब	0.0337				चकमार्ग	0.0235
			चकमार्ग	0.0304				21	0.1674
			1385	0.0961				9	0.1740
			1386	0.2453				8	0.1904
			1387	0.1384					
			कुल	11.5323					

1	2	3	4	5	1	2	3	4	5
कानपुर	कानपुर	गढ़ी कानपुर	6	0.1770	कानपुर	कानपुर	पनका बहादुर नगर	154	0.4355
			कुल	4.2929				146	0.4145
		रामपुर भीमसेन	371	0.0339			चकमार्ग (138)		0.0058
			670	0.1370				134	0.1432
			369	0.3208				136	0.2026
			365	0.2125				137	0.0423
			366	0.0371				135	0.2264
			356	0.1202			चकमार्ग (140)		0.0113
			355	0.1713				81	0.1670
			कुल	1.0328				84	0.1295
		छीतेपुर	196	0.0143				53	0.2589
			195	0.0940				22	0.0949
			194	0.0635				51	0.0143
			193	0.0582				46	0.3550
			190	0.1290				44	0.1594
			188	0.3997				43	0.1716
			156	0.0522			चकमार्ग (34)		0.0089
			157	0.2356				32	0.2360
			158	0.2093			चकमार्ग		0.0080
			159	0.0054				6	0.1558
			146	0.0186			पांडू नदी		0.0900
			145	0.0080			कुल		4.8100
			142	0.3278					
			141	0.1479					
			148	0.1785					
			139	0.0547					
			115	0.0861					
			114	0.5034					
			कुल	2.5862					
		पनका बहादुर	216	0.1464					
		नगर	चकमार्ग	0.0122					
			208	0.0672					
			चकमार्ग	0.0047					
			207	0.1290					
			206	0.1197					
			205	0.1295					
			चकमार्ग	0.0118					
			117	0.3488					
			178	0.0684					
			176	0.0001					
			171	0.4306					
			चकमार्ग (115)	0.0107					

[फ़. सं. एल-14014/4/2004-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 8th April, 2004

S.O. 1011.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas from existing S.V. Station at Sachendi on HVJ pipeline project to City Gate Station at Fazalganj, Kanpur in the State of Uttar Pradesh, a pipeline should be laid by the GAIL (India) Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person interested in the land described in the said Schedule may, within twenty-one days from the date

on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public object in writing to the laying of the pipeline under the land to the Competent Authority, GAIL (India) Limited, B-3536, Sector-1, Noida-201301 (Uttar Pradesh)

SCHEDULE

District	Tehsil	Village	Khasra No.	Area to be acquired for ROU In Hectare
1	2	3	4	5
Kanpur	Kanpur	Binour	1065	0.1747
			1090	0.323
			Canal	0.1955
			134	0.3887
			135	0.0676
			136	0.1468
			138	0.0412
			193	0.1592
			192	0.0404
			194	0.0093
			191	0.1077
			190	0.1368
			156	0.2921
			154	0.0148
			157	0.2268
			153	0.1030
			152	0.0814
			150	0.1207
			160	0.2004
			2073	0.0564
			2074	0.1642
			162	0.5030
			163	0.3925
			164	0.1093
			Total	3.7648
		Sachendi	2137	0.6158
			2189	0.0930
			2138	0.2064
			2747B	0.2660
			2146	0.0013
			2148	0.0425
			2162B	0.0444
			2163	0.2301

1	2	3	4	5
Kanpur	Kanpur	Sachendi	2180	0.4948
			Cart Track	0.0272
			2556	0.2912
			2555	0.6638
			2554	0.0189
			2553	0.0126
			2294B	0.4175
			2294A	0.2875
			2303	0.0022
			229B	0.0129
			2299	0.2587
			2300	0.0710
			2301	0.1076
			2302B	0.0139
			2307	0.0423
			2308	0.4060
			2316B	0.0086
			2484	0.4060
			2483	0.2411
			2330	0.5949
			2331	0.0511
			2411	0.2679
			2412	0.1320
			2403	0.0329
			2405	0.3531
			2406	0.0836
			2409	0.2400
			Canal	0.1340
			1157	0.1952
			Road	0.0240
			1159	0.0059
			1158	0.0358
			1451	0.2658
			1452	0.0055
			1450	0.1348
			1444	0.1609
			1448	0.0072
			1442	0.3168
			1442A	0.1535
			1434	0.2789
			1433	0.0064
			1422	0.1391
			1424	0.0172
			1425	0.1781

1	2	3	4	5	1	2	3	4	5
Kanpur	Kanpur	Sachendi	1423	0.3142	Kanpur	Kanpur	Gadhi	91	0.0683
			1416	0.2450			Kanpur	90	0.0553
			1415	0.3228				95	0.2534
			1414	0.1421				89	0.0326
			1398	0.0224				96	0.2650
			1398A	0.0463				100	0.0370
			1399B	0.0759				65	0.0169
			1399	0.0670				66	0.3816
			1403	0.0396				36	0.0428
			1400B	0.0115				37	0.2949
			1396	0.3628				Cart Track	0.0127
			1402	0.0880				39	0.0185
			1392	0.0028				22	0.1750
			1391	0.0508				Cart Track	0.0235
			1390A	0.1493				21	0.1674
			1390B	0.0337				9	0.1740
			Cart Track	0.0304				8	0.1904
			1385	0.0961				6	0.1770
			1386	0.2453				Total	4.2929
			1387	0.1384			Rampur	371	0.0339
			Total	11.5323			Bhimsen	670	0.1370
								369	0.3208
		Sona	39	0.4412				365	0.2125
			38	0.0317				366	0.0371
			37	0.5784				356	0.1202
			36	0.0693				355	0.1713
			35	0.0565				Total	1.0328
			Total	1.1771			Chhitepur	196	0.0143
		Gadhi Kanpur	151	0.0257				195	0.0940
			152	0.0089				194	0.0635
			153A	0.0880				193	0.0582
			153B	0.1223				190	0.1290
			169	0.0278				188	0.3997
			148	0.0322				156	0.0522
			170B	0.2291				157	0.2356
			107A	0.0196				158	0.2093
			137	0.4658				159	0.0054
			138	0.1896				146	0.0186
			134B	0.0882				145	0.0080
			122	0.1021				142	0.3278
			123	0.0069				141	0.1479
			125	0.2543				148	0.1785
			127	0.0590				139	0.0547
			128	0.0988				115	0.0861
			129	0.0110				114	0.5034
			Road	0.0481				Total	2.5862
			92	0.0292					

1	2	3	4	5
Kanpur	Kanpur	Panka	216	0.1464
		Bahadur	Cart Track	0.0122
		Nagar	208	0.0672
			Cart Track	0.0047
			207	0.1290
			206	0.1197
			205	0.1295
			Cart Track	0.0118
			117	0.3488
			178	0.0684
			176	0.0001
			171	0.4306
			Cart Track (115)	0.0107
			154	0.4355
			146	0.4145
			Cart Track (138)	0.0058
			134	0.1432
			136	0.2026
			137	0.0423
			135	0.2264
			Cart Track (140)	0.0113
			81	0.1670
			84	0.1295
			53	0.2589
			22	0.0949
			51	0.0143
			46	0.3550
			44	0.1594
			43	0.1716
			Cart Track (34)	0.0089
			32	0.2360
			Cart Track	0.0080
			6	0.1558
			Pandu River	0.0900
			Total	4.8100

[F.No. L-14014/4/2004-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 19 अप्रैल, 2004

का. आ. 1012.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तम्भ (2) में उल्लिखित क्षेत्र के संबंध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्थात् :—

अनुसूची	
प्राधिकारी का नाम और पता	अधिकारिता क्षेत्र
(1)	(2)
श्री आर. वजावेलु सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में प्रतिनियुक्ति पर भूमि अर्जन अधिकारी, चेन्नई—तिरुच्ची—मदुराई उत्पाद पाइपलाइन परियोजना, और आसनुर से शंकरी तक ब्रान्च पाइपलाइन परियोजना 4/2, आरोकियास्वामी स्ट्रीट, क्राफोर्ड कालोनी, तिरुचिरापल्ली—620 012 (तमिलनाडु)	तमिलनाडु राज्य

[सं. आर.-25011/7/2004-ओ. आर.-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 19th April, 2004

S. O. 1012.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the areas mentioned in column (2) of the said Schedule, namely :—

SCHEDULE

Name and Address of the Authority	Area of Jurisdiction
1	2
Shri R. Vajravelu Competent Authority, Land Acquisition officer on deputation to Indian Oil Corporation Limited, Chennai-Tiruchi-Madurai, Product Pipeline Project and Branch Pipeline from Asanur to Sankari, 4/2, Arokiaswamy Street Crawford Colony, Tiruchirapalli-620 012 (Tamil Nadu)	State of Tamil Nadu

[No. R.-25011/7/2004-OR-I]

RENUKA KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 25 मार्च, 2004

का. आ. 1013.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल लेप्रोसी टीचिंग एण्ड रिसर्च इंस्टिट्यूट के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 168/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2004 को प्राप्त हुआ था।

[सं. एल-42011/6/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 25th March, 2004

S.O. 1013.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 168/2001) of the Central Government Industrial-Tribunal/Labour Court, Chennai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Leprosy Teaching & Research Institute and their workmen, which was received by the Central Government on 25-03-2004.

[No. L-42011/6/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Monday, the 1st March, 2004

PRESENT:**SHRI K. JAYARAMAN, Presiding Officer****INDUSTRIAL DISPUTE NO. 168/2001**

(Tamil Nadu State Industrial Tribunal I.D. No. 164/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of The Director, Central Leprosy Teaching & Research Institute and their workmen).

BETWEEN:

The General Secretary : I Party/Claimant
Central Leprosy Teaching
& Research
Institute Employees Association,
Chengalpattu.

AND

The Director, : II Party/Management
Central Leprosy Teaching
& Research Institute

APPEARANCES:

For the Claimant : M/s. D. Hariparanthaman
V. Ajoy Khose, Advocates

For the Management : Mr. M.K. Jayakaran, ACGSC

AWARD

The Central Government, Ministry of Labour vide Notification No. L-42011/6/99/IR(DU) dated 03-08-1999 has earlier referred this industrial dispute to Tamil Nadu State Industrial Tribunal for adjudication. The Tamil Nadu State Industrial Tribunal has taken the same on its file as I.D. No. 164/99 and after the constitution of this Central Govt. Industrial Tribunal cum Labour Court, the said industrial dispute was transferred to this Tribunal and after the receipt of records, it was renumbered as I.D. No. 168/2001. Both sides have entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

2. The schedule mentioned in that order is—

“Whether the demand of the Central Leprosy Teaching & Research Institute Employees Union for Special Compensatory Allowance to all categories of workmen is legal and justified?

If so, to what relief the workmen are entitled?”

3. The allegations of the Petitioner Association in the Claim Statement are briefly as follows:—

The Central Leprosy Teaching and Research Institute Employees Association (Petitioner Union) is an association representing all the employee of Group B, C & D categories working under the Respondent/Management. The research institute is under the control of Director General of Health Services, Ministry of Health, New Delhi. It has been in existence from the British days and at that time it was under the control of Christian missionary and it was in the name of Lady Wellington Leprosy Sanatorium. In 1955 it became an autonomous body and named as CLT & RI and came under the control of both Central Govt. and Tamil Nadu State Govt. On 1.4.74 it came directly under the control of Director General of Health Services, New Delhi and it is now under the Health Department of Central Govt. Though CLT & RI is doing activities of leprosy control, it is also performing teaching to all personnel involved in leprosy not only from all part of India but also from abroad, it is also conducting research activities in leprosy as pioneer institution. In all these activities about 250 employees in various categories are engaged. The Respondent is collecting charges from the patients for treatment. The Health Ministry of Central Govt. had a programme to control leprosy called National Leprosy Control Programme. Subsequently, the programme was to eradicate leprosy and it was changed as National Leprosy Eradication Programme (NLEP). The Tamil Nadu Leprosy Control Units are carrying out the NLEP and employees employed in those units are under the control of Tamil

Nadu Govt. and those employees were given leprosy pay/leprosy allowance, a Special Compensatory Allowance irrespective of their category, whether technical or non-technical or administrative. This allowance is paid to the employees, as the employees are involved in eradication of infectious disease which is likely to cause harm to the health unless they are given nutritious food. The employees in CLT & RI are involved in the same, similar and identical work as done by the employees of leprosy control units under Tamil Nadu Govt. In fact, CLT & RI is also involved in teaching and research areas which are absent in the case of leprosy control units under Tamil Nadu Govt. But only a very few employees are given Special Compensatory Allowance and others are unjustly denied. It is paid @ Rs.30/- to some categories and @ Rs.40/- to some other categories of technical cadres. It has been given from 1-1-73 to some of the technical post which were in existence at that time and even some technical posts were not covered by Special Compensatory Allowance. The Special Compensatory Allowance is given for the risk involved in treating highly infectious disease, giving Special Compensatory Allowance to one section and depriving it to others is highly discriminatory, particularly the risk is the same for all the employees. Further, it is highly arbitrary, unjust and illegal. The management of CLT & RI is also sympathetic to our demand and the Director categorically recommended by his letter dated 16.7.84 and 17.10.84 to Director General of Health Services for payment of Special Compensatory Allowance to all employees and also sent various reminders to pass orders on his recommendation. But, unfortunately, the matter remained static for over a decade. Therefore, the Petitioner Association raised a dispute before the conciliating authority and on its failure the matter has been referred to this Tribunal. The risk involved in treating a highly infectious disease is common and one and the same for all the employees irrespective of their cadre or post, paying Special Compensatory Allowance to one set of employees and denying the same to the remaining employees is arbitrary and highly discriminatory. The Industrial Tribunal, Delhi by an Award dated 22.3.96 has passed an order to give infectious disease risk allowance to the employees of I.D. Hospital, Kingsway Camp, New Delhi. Hence, the Petitioner prays that an award may be passed in their favour.

4. As against this, the Respondent in its Counter Statement contended that the allegations made by the Petitioner are false. Only a sum of Rs.15/- is charged for smear test from patients belonging to higher income groups, otherwise, the institution gives free treatment to the patients. It is false to allege that disease of leprosy is considered as highly endemic and hazardous and communicable disease. When it was considered highly endemic and stigma was attached to it, the Govt. had taken conscientious decision to pay Special Compensatory Allowance to certain categories of employees of CLT & RI, Chengalpattu and it was given to such categories, who were considered to be

exposed to risk of infection etc. and now it has been found that leprosy is not hazardous or communicable disease nor it is dreaded or fatal. Under such circumstances, the Petitioners are not entitled to Special Compensatory Allowance. The duties and responsibilities of different categories of employees are different, keeping in view the duties and responsibilities of different categories of employees, a decision was taken to pay Special Compensatory Allowance to those categories of employees who were considered to be exposed to risk. Now, the Govt. of India have already advised all the State Govts. to stop payment of incentives or Special Compensatory Allowance to the staff for treating leprosy work w.e.f. 1.4.2000. The other categories of employees were not found even at that point of time exposed to any risk of infection, therefore, such employees were not granted Special Compensatory Allowance. Now, after developments in the field of medicine, it is proposed to withdraw the Special Compensatory Allowance from all the employees. The Govt. of Tamil Nadu have different set of allowance than the allowances paid by Government of India. There cannot be any comparison between pay & allowances payable to employees of two Governments. Further, the I.D. Hospital, Kingsway Camp, New Delhi is now under Directorate General of Health Services, Ministry of Health & Family Welfare and the said hospital cannot be compared with CLT & RI, Chengalpattu, inasmuch as it is under the Govt. of NCT of New Delhi and it does not admit leprosy patients. Hence, the Respondent prays that the claim of the Petitioner Association may be dismissed with costs.

5. In such circumstances, the point for my determination is—

- (i) "Whether the demand of the Petitioner Association for Special Compensatory Allowance to all categories of workmen is legal and justified"
- (ii) "To what relief the Petitioner is entitled?"

Point No. 1 :—

6. On the side of the Petitioner, two witnesses were examined and 23 documents were marked as Ex. W1 to W23. On the side of the Respondent, no one was examined as a witness and no document was marked.

7. The case of the Petitioner is that the CLT & RI namely Central Leprosy Teaching & Research Institution is under the control of Director General of Health Services, Ministry of Health, New Delhi and out of 250 employees majority of them are Group C & D employees. But only few employees namely about 120 employees are given Special Compensatory Allowance and others are unjustly denied. It is their contention that the Special Compensatory Allowance is paid as the employees are involved in eradication of infectious disease which is likely to cause harm health unless they are given nutritious food and further the Special Compensatory Allowance is given for risk involved in treating a highly infectious disease, while

the management giving this allowance to one section and depriving it to others is highly discriminatory, particularly the risk is same for all employees. To establish the fact that it is infectious disease, on the side of the Petitioner one Dr. V. Saravanan was examined as WW1. In his evidence, the Doctor has stated that leprosy will be spread by sperm micro-bacterium leprae which also spread by direct contact or indirect contact and by indirect means, from the affected persons and also by ulcerated skin lesions and also by unbroken affected skin. He says organism will live upto 36 hours outside the patient's body and it can also be travelled by air to other persons. It is depending upon the persons immunity and it will affect the other persons through air. He says Dr. Dharmendra has mentioned regarding source of infection in leprosy and that an article written by Dr. S.K. Noordeen were filed by the Petitioner and these articles are marked as Ex. W10 to W12. It is his further evidence that it is not correct to say that leprosy is not a contagious disease. On behalf of the Petitioner Union one Mr. D. George, General Secretary of the Union was examined as WW2. In his evidence, he deposed that the persons working in the new programme namely National Leprosy Eradication Programme get Special Compensatory Allowance from the Government from 1973, only on the ground that it was infectious disease, the Govt. has given this compensatory allowance and at the time of starting in technical cadre, there were only 120 employees and subsequent to 1973 certain posts have been created and the people now working in the programme were also doing the same work namely male nurse orderly and other category of attendants. But, the additional persons recruited after 1973 were not given any compensatory allowance. It is his further evidence that subsequent to 1973 new posts have been created and now there are 55 categories in that research institution. It is the evidence of WW2 that all the other Central Govt. Leprosy department employees are getting Special Compensatory Allowance. Further, the leprosy centres running by State Govt. are also giving Special Compensatory Allowance. Under such circumstances, the entire workmen in the CLT&RI are also entitled for the Special Compensatory Allowance. Further, on the side of the Petitioner, copy of the letters and correspondence between the Director of Respondent/Management and the Health Ministry were produced by the Petitioner. Ex. W3 is the copy of the letter from Director General of Health Service to the Respondent/Management calling for proposal for payment of Special Compensatory Allowance to the workmen. Similarly Ex. W4 is the letter of the Respondent to Government of India submitting proposal for grant of Special Compensatory Allowance. On 28.10.1987 and 30.10.1987 Respondent/Management requested the Govt. for sanction of Special Compensatory Allowance. Further, the Respondent/Management has also sent the Minutes of meeting of NCP recommending Special Compensatory Allowance to all the employees.

8. As against this, on side of the Respondent, it is contended that latest developments in the field of leprosy have proved that disease of leprosy is not hazardous or communicable disease and therefore, the special incentive or compensatory allowance is not required to be paid to the staff handling leprosy patients and it is their further contention now that leprosy treatment is offered at other hospitals and primary health centres only because it is not a communicable disease. Further, the Central Govt. have informed the State Governments to stop payment of the incentive or Special Compensatory Allowance with effect from 1.4.2000 and in such circumstances, the Petitioner's claim cannot be upheld and only when the Govt. considered the leprosy as highly endemic and stigma was attached to it, the Govt. has taken conscientious decision to pay Special Compensatory Allowance to certain categories of employees of the Respondent and at the beginning and it was given only to such categories of employees who were considered to be exposed to the risk of infection etc. and in such circumstances, the Petitioner Union cannot contend that it is an infectious disease and the risk involved in the treatment is hazardous. The next contention of the Respondent is that the Central Govt. is the employer and therefore, without impleading the Central Govt. this claim is not maintainable.

9. On behalf of the Respondent, though it is contended that disease is not hazardous or communicable disease, yet on the side of the Respondent, no document is produced before this Tribunal to prove these allegations. When the Petitioner has produced Ex. W10 to W12 and also produced evidence of Doctor Saravanan to prove that the disease is communicable depending upon the persons immunity, in this case, it is not correct to say that leprosy is not a communicable disease. Further, when the State Govt. has given compensatory allowance for the risk involved in treating highly infectious disease and while the risk involved in treating the highly infectious disease is common, the refusal to one section is highly discriminatory and unjust and I think, it is an arbitrary one. Further, the Respondent/Management while considering their request sympathetically sent their recommendation by letter dated 16.07.1984 and 17-10-1984 to the Director General of Health Services for payment of Special Compensatory Allowance to all the employees and also sent various reminders to pass orders on his recommendation, it is rather futile to contend that the Central Govt. has considered this as not necessary. I find when the risk involved in treating leprosy is common, one and the same for all the employees irrespective of their categories or posts paying Special Compensatory Allowance to one set of employees and denying the same to other set of employees is arbitrary. Further, the Govt. cannot adopt differential treatment among the same class and similarly placed persons as far as infection due to the occupation is concerned. The Petitioner also produced a

copy of the award passed by the Industrial Tribunal, New Delhi against the Health Department, wherein the employees of Id Hospital, Kingsway, New Delhi claiming infectious disease risk allowance and in which the Tribunal has ordered that the Special Compensatory Allowance should be given to the Petitioners. Therefore, I think the Respondent being a welfare state should implement all the welfare measures to its employees. Right to life includes right to healthy life and the employees are entitled to better health conditions.

10. The next contention of the Respondent is that the employer is only Central Govt. and therefore, without impleading the Central Govt. this claim is not maintainable. On behalf of the Respondent it is contended that the Central Govt. is not impleaded and only the Central Leprosy Teaching Institute alone was impleaded as a party and therefore, the claim is not maintainable against the Respondent herein. But on behalf of the Petitioner it is contended that Section 2(g) of the Industrial Disputes Act, 1947 says that 'employer' means in relation to an industry carried on by or under the authority of a department of Central Govt. or State Govt. the authority prescribed in this behalf or where no such authority is prescribed, the Head of Department. In this case, the term 'employer' is not defined in the Act where the term is used in relation to an industry carried on by State Govt. or Central Govt. or by local authority and the definition of term 'employer' in this case is neither exhaustive nor inclusive. The meaning given to the term 'employer' by this definition is only illustrative, therefore, the term 'employer' must be given its ordinary grammatical meaning. Further, it is contended on behalf of the Petitioner that it is admitted by the Respondent that Director of the Respondent is the appointing authority for the Group C & D employees and in such circumstances, it cannot be said that the claim against the Director of the Respondent is not maintainable.

11. I find some force in this contention because, the Respondent has not produced any document to show that the Director is not the authority prescribed in this case. Though the Central Govt. is the ultimate authority, the Director of CLT&RI is the appointing authority for the employees of Group C & D categories and therefore, I find this claim is maintainable against the present Respondent herein. Therefore, I find this point in favour of the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief the Petitioners are entitled?

12. In view of my foregoing findings, I find the demand of the Petitioner association is justified and therefore, I direct the Respondent to pay Special Compensatory Allowance, to all the employees irrespective of their categories, as that of Special Compensatory Allowance earlier granted to the 120 employees by the Respondent. No Costs.

13. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 1st March, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Workman : WW1 Dr. Saravanan
WW2 Sri D. George

For the II Party/Management : None

Documents Marked :—

For the I Party/Workman :—

EX. No.	Date	Description
W1	16-7-84	Xerox copy of the letter from the Respondent to Director General of Health Services, New Delhi regarding Special Compensatory Allowance.
W2	17-10-84	Xerox copy of the letter from the Respondent to Director General of Health Services, New Delhi regarding Special Compensatory Allowance.
W3	27-8-84	Xerox copy of the letter from Director General of Health Services, New Delhi to Respondent regarding Special Compensatory Allowance.
W4	23-2-87	Xerox copy of the letter from the Respondent to Director General of Health Services, New Delhi regarding Special Compensatory Allowance.
W5	28-10-87 & 30-10-87	Xerox copy of the letter from the Respondent to Director General of Health Services, New Delhi regarding Special Compensatory Allowance.
W6	7-10-87	Xerox copy of the letter communicating the minutes of Meeting of NLEP held on 17-8-87.
W7	3-8-89	Xerox copy of the clarification issued by Government of India regarding payment of Special Compensatory Allowance.
W8	3-9-92	Xerox copy of the letter from Petitioner Association to Ministry through Respondent.
W9	5-10-94 & 6-10-94	Xerox copy of the letter from Respondent to Director General of Health Service, New Delhi regarding Special Compensatory Allowance.
W10	Nil	Xerox copy of the article regarding source of infection by Dr. Dharmendra.

W11	Nil	Xerox copy of the article regarding transmission factors of leprosy by Dr. S.K. Noordeen
W12	Nil	Xerox copy of the article regarding immunity in leprosy.
W13	22-03-96	Xerox copy of the award passed by Industrial Tribunal New Delhi.
W14	09-12-96	Xerox copy of the letter of Petitioner raising dispute before Assistant Labour Commissioner (Central)
W15	20-08-98	Xerox copy of the remarks filed by Respondent before Assistant Labour Commissioner (Central)
W16	Feb. 1996	Xerox copy of ICMR bulletin Vol. 26 No.1
W17	Feb. 2002	Xerox copy of the ICMR bulletin Vol.32 No.2
W18	Nil	Xerox copy of the guide to eliminate leprosy by WHO
W19	Nil	Xerox copy of the list of persons getting Special Compensatory Allowance
W20	Nil	Xerox copy of the list of categories/posts newly created and not paid Special Compensatory Allowance
W21	15-11-2002	Xerox copy of the certificate issued to physiotherapist by Govt. Rehabilitation Home
W22	Dec.2003	Xerox copy of the pay slip issued to employees of Respondent
W23	Nil	Xerox copy of the categorywise comparative chart showing Persons who are getting/not getting Special Compensatory Allowance.

For the II Party/Management :— Nil

नई दिल्ली, 26 मार्च, 2004

का. आ. 1014.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.1, नई दिल्ली के पंचाट (संदर्भ संख्या 121/98 और 113/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2004 को प्राप्त हुआ था।

[सं. एल-12012/335/97-आई.आर. (बी. II),
एल-12012/68/99-आई.आर. (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 26th March, 2004

S.O. 1014.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 121/98 & 113/99) of the Central Government Industrial-Tribunal-Cum-Labour Court, New Delhi No. 1 as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 25-03-2004.

[No. L-12012/335/97 - IR (B-II),
L-12012/68/99-IR (B-II)]

C. GANGADHARAN, Under Secy!

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

PRESIDING OFFICER:

SHRI B. N. PANDEY

I. D. No. 121/98

In the matter of the dispute between :

The Secretary,

New Bank of India Employees Union,

C/o P.N.B. 'L' Block

Connaught Place,

New Delhi - 110001.

... Workman

Versus

The Senior Regional Manager,

Regional Office,

Punjab National Bank, Tolstoy Marg,

New Delhi - 110001

... Management

And

I. D. No. 113/99

Shri J. K. Sawhney,

R/o-17, School Lane

R/o F-3, Radhey Puri

Delhi - 110051.

... Workman

Versus

The Chief Manager,

Punjab National Bank,

'L' Block, Connaught Place,

New Delhi - 110001.

... Management

AWARD

In I. D. No. 121/98, the Central Government in the Ministry of Labour vide its Order No. L-12012/335/97-IR (B-II) dated 22-4-1998 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Punjab National Bank in dismissing the workman Shri J. K. Sawhney w.c.f. 26-3-1997 in violation of the directions of the High Court of Delhi in CM No. 6793/94 of

3692/94 dated 23-2-1995 that no final order be passed in the said enquiry till the decision of the writ petition, is legal and justified? If not, to what relief the said workman is entitled?"

And

In I.D. No. 113/99, the Central Government in the Ministry of Labour vide its Order No. L-12012/68/99-IR(B-II) dated 20-4-1999 has referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the action on the part of the management of Punjab National Bank to initiate disciplinary proceedings against Shri J.K. Sawhney, Special Assistant and awarding the punishment of dismissal from service of the Bank w.e.f. 26-3-97 is valid, just and legal? If not, what relief is the workman concerned entitled to?"

It was further ordered by the appropriate Court in the said reference order dated 20-4-1999 that "The reference Order No. L-12012/335/97-IR (B-II) dated 22-04-1998 made to CGIT-cum-Labour Court, New Delhi in respect of the industrial dispute between the management of PNB and Shri J.K. Sawhney and pending with the Tribunal shall be linked with the present reference and be heard together.

2. Since validity of the dismissal order dated 26-3-1997 of the Management of P.N.B. consequent upon an enquiry against the workman Shri J.K. Sawhney is involved in both the disputes and in view of the direction given in the reference order dated 20-4-1999 in I.D. No. 113/99 and also with the parties consent, both the cases were consolidated vide order dated 4-12-2000. I.D. No. 113 of 99 was ordered to be leading case, were heard together and are being disposed of by this common award which shall govern both of them.

3. In I.D. No. 121/1998 it has been prayed that the action of the management be held illegal and *mala fide* and the workman Shri J.K. Sawhney be reinstated in the bank service with full back wages and continuity of the service and the workman be allowed to continue in the job till the matter is finally decided by the Hon'ble High Court in the writ petition No. 3692/94 and 2861/95. Prayer for costs and damages have also been made.

4. In I.D. No. 113/1999 the prayer as per claim statement on behalf of the workman is that the dismissal order passed by the bank be set aside and declared illegal and *mala fide*. The workman be reinstated in the bank service with full back wages, continuity of service and other benefits which would have been admissible to the workman had the illegal orders of dismissal not been passed by the management.

5. As per claim statement of both the cases it is alleged on behalf of the workman that the workman Shri

J.K. Sawhney joined the services of erstwhile New Bank of India in clerical cadre on 1-8-1970, later on he was promoted as head Clerk on 1-8-1978 and subsequently elevated to the rank of special assistant in the year 1980. He continued to serve the erstwhile New Bank of India and after its merger P.N.B. till 26-3-1997 i.e. date of his dismissal from service; that during his service his work and conduct was excellent, that he was also taking very keen interest in the trade union activities of the bank and rose to the highest position as President in the Trade Union. He also signed all the settlements entered into the N.B.I. and the Federation from 1982 to 1993. That pursuant to the notification of the Ministry of Finance (Banking Division) (B) Government of India New Delhi, New Bank of India was merged with the P.N.B. on 4-9-1993; that after merger of the Banks the P.N.B. Management started victimising New Bank of India Employees and their mass transfers were made to far off places. That against such partisan and discriminatory activities of the bank, the workman in the capacity of general secretary of New Bank of India Employees Federation, managed large scale agitations, *dharanas* and demonstrations against the high handedness of the management. He also highlighted cases of mis-management and large scale corruption of high officers to the C.B.I. and other high ups. This made the management vindictive towards the workman and therefore, they hatched a conspiracy to sack the workman by holding a sham show enquiry, accordingly by cooking up false and baseless charges, he was charge sheeted and enquiry was started against him by the bank, in order to curbe his legitimate trade union activities. He was illegally charge sheeted and during the enquiry, reasonable opportunity was not afforded to him, documents were not supplied and inspections of documents were not allowed. He was also not allowed proper and sufficient time and opportunity to cross-examine the witnesses and adduce his own evidence in defence. Adjournments were not allowed even when he was hospitalised in Nursing Home and his defence representative was not available. The enquiry officer was biased he concluded enquiry in hurry and *ex parte* and no personal hearing was afforded to him; the enquiry was a sham show as the management had pre-determined to sack the workman from service; that the disciplinary authority was also biased and vindictive and awarded the punishment of dismissal to him illegally without giving him an opportunity of hearing and despite the stay orders of the Hon'ble High Court of Delhi. Therefore, it has been prayed that the dismissal order is liable to be quashed and the prayer of the workman deserves to be allowed.

6. In I.D. No. 121/98 it has been further alleged that the workman had filed writ petition No. 3692/94 before the Hon'ble High Court of Delhi seeking the relief to restrain the management from holding the enquiry report in respect of the charge sheet dated 18-4-1994 and also restrain the

disciplinary authority from passing any order of punishment against the workman on the basis of the report of the enquiry officer; that on the prayer of the workman in civil misc. application No. 6793/94, the Hon'ble High Court was pleased to order on 21-9-94 that there will be no further proceeding in the enquiry and it was further ordered that the proceedings which have been continued against the workman may be completed but no final order be passed in the enquiry till the decision of the third petition. Again the order was modified by the Hon'ble High Court on 26-3-1997 to the effect that "we modify the stay granted by this court by directing that the result of departmental enquiry be made known and communicated to the petitioner. Whatever grievance the petitioner will have can be agitated in independent proceedings if the petitioner is so advised". But the management passed the final order of dismissal of the workman from service same day at 4-15 PM by displaying the order on the notice board of the branch where the workman was posted. Although the workman was served with these orders subsequently but the management implemented the orders from the times and date it was displayed on the notice board.

7. In I.D. No. 113/99 besides the other contention as mentioned above it has been further alleged on behalf of the workman that due to the union activity of the workman he had become eye sore of the management of PNB more particularly of R. Jilani, Chairman and Managing Director of the Bank who in collusion with others hatched conspiracy to sack him from the service of the Bank by hook and crook; that the enquiry officer Shri N.A.H. Subramaniam was also biased and vindictive he was subsequently appointed by the Management although he was senior to the disciplinary authority. Being a biased person he did not act impartially and judiciously. He was working in hand in glove with the top management; that the enquiry was held in most unethical manners and against principles of natural justice under instructions to the top management; that the disciplinary authority did not consider the previous unblemished service records of the workman. That the workman has been unemployed since date of dismissal of his service from the bank. Hence it has been prayed that the dismissal order be set aside and the workman be reinstated with continuity of service, full back wages and other consequential benefits.

8. In the written statement filed by the management in I.D. No. 121/98 it has been inter-alia alleged that the present dispute is not an Industrial Dispute as the terms of reference is the subject matter of the proceedings before the Hon'ble High Court of Delhi in CWP 3692/94, the same having already been considered and rejected. Hence the terms of reference are to be rejected on this ground alone, that the Union has no locus standi to raise this dispute; that the Hon'ble High Court has already rejected contention of the workman hence the present industrial dispute is not maintainable. It has been further alleged that after amalgamation of erstwhile New Bank of India with P.N.B.,

the New Bank of India, in the month of December, 1993 advised the bank to institute a regular departmental enquiry proceedings for major penalty against the workman and against certain others criminal proceedings were launched by C.B.I. that in pursuance of the report of C.B.I. the disciplinary authority issued charge sheet dated 18-4-94 against the workman thereupon workman filed a suit for injunction in the civil court restraining the management to hold departmental enquiry in the matter. Since the workman failed to get any relief from civil court he filed the writ petition No. 3692/94 before the Hon'ble High Court of Delhi on 30-8-1994 praying for quashing of the charge sheet. After filing of the writ petition civil suit was dismissed as withdrawn; that initially the workman obtained exparte stay order from the Hon'ble High Court but later on the High Court was pleased to vacate the exparte stay order and allowed the bank to complete the enquiry but not to pass any final order till disposal of the writ petition. Accordingly the enquiry proceedings were concluded and copy of the report was forwarded to the workman by the disciplinary authority vide letter dated 9-5-1995 giving an opportunity to make submission on the enquiry, that after the enquiry was concluded High Court modified the stay order and ordered that let the result of the departmental enquiry be made known and communicated to the workman concerned. Thereupon the dismissal order was passed. Then the workman filed a contempt petition No. 118/97 alleging that the order of dismissal of the workman was in violation of the order of the Hon'ble High Court. Hence prayer for necessary action was made but the Hon'ble High Court rejected the same vide its order dated 3-4-1997. Therefore, the present petition is barred by the principles of res judicata. That the Special Writ Petition was also dismissed by the Hon'ble Supreme Court. That the charges framed against the workman were found proved during the enquiry and the workman has been dismissed from service on the ground of grievous charges against him. That no illegality was done in the enquiry proceedings and workman was given full opportunity to make his submissions and defend him during the enquiry; that the claim petition is not maintainable and liable to be dismissed.

9. In its written statement in I.D. No. 113/99 the management has denied the allegations made in the claim statement and inter-alia alleged that the enquiry proceedings were conducted legally and impartially and the workman is entitled to no relief.

10. Rejoinders were also filed to the written statements of the opposite parties reiterating the earlier allegations made in the claim statement and refuting contentions of written statements.

11. On the basis of the pleadings of the parties following issue was framed :

1. Whether the domestic enquiry held is unfair and unjustified ? If so its effect.

12. In support of its case workman filed his own

affidavit as WW1/1, besides photostat copy of several documents. He was also cross-examined by the management. On the other hand management filed affidavit of Roop Kumar Gureja Chief (PS and LB Division) of the Management Bank who was cross-examined on behalf of the workman.

13. I have heard A/R of both the sides and perused the file.

14. In I.D. No. 121/98, question of legality of action of management in dismissing the workman in violation of the directions of the Hon'ble High Court of Delhi is involved. Admittedly, the workman had filed a contempt petition before the Hon'ble High Court against the alleged violation of order which was dismissed on 3rd April, 1998, a copy of the High Court Order dismissing the contempt petition has also been filed on the record. Thereafter, the civil writ petition No. 3693/94 which was filed against holding the disciplinary enquiry and in which the alleged stay order was passed was also finally disposed of on 15-2-99. The order dated 15-2-1999 of the Hon'ble High Court runs as under :—

"It is agreed by the petitioner and Mr. Raj Birbal, Senior Advocate appearing for the respondent that let this petition filed by the petitioner be treated as an application before the Labour Secretary. The Labour Secretary after hearing the petitioner and counsel for the respondent will refer the disputes raised in this petition to the concerned Industrial Tribunal or the Labour Court, as the case may be, in accordance with law. The Labour Secretary will decide of making the reference within 2 months from today..... with these observations petition stands disposed off."

15. In view of the above order dated 15-2-99 of the Hon'ble High Court the reference of I.D. No. 113/99 has been made by the Central Government to this Tribunal/Labour Court. Besides, in I.D. No. 121/98, the prayer of the workman is limited to the extent that the action of the management be held illegal, mala fide and the workman be reinstated in the bank service with full back wages and continuity of service and he be allowed to continue in the job till the matter is finally decided by the Hon'ble High Court in the writ petition No. 3692/94 and 2861/95. Since the alleged writ petitions have already been disposed of by the Hon'ble High Court and the reference of I.D. No. 113/99 has been made by the Government in compliance of the Hon'ble High Courts order, I find that, now, this reference/case has become infructuous. It requires no further adjudication. As regards the grievances of the workman it will be seen and decided in I.D. No. 113/99. Thus the I.D. Case No. 121/98 is decided accordingly.

I.D. No. 113/99

16. In this case A.R. of the management submitted that issue No. 1 which is regarding fairness of the enquiry proceedings should be decided first. But after perusal of the terms of reference order, I find that the question of

justification and validity of the action of the management of P.N.B. to initiate disciplinary proceedings itself against the workman and awarding him punishment of dismissal is involved. The terms of the reference shows that the very initiation of the disciplinary proceeding was challenged. The workman has been claiming from the very beginning that there was no justification for starting disciplinary proceedings against him and he had also filed a civil suit and subsequently a writ petition before the Hon'ble High Court of Delhi for quashing the disciplinary proceedings. The present reference has also been made under orders of the Hon'ble High Court. Therefore, it would be just and proper to decide first as to whether the Management was justified in initiating the enquiry and awarding punishment of dismissal from service to the workman. For this, nature of charges has to be seen.

17. The charges levelled against the workman vide charge sheet dated 18-6-94 were as under :—

(1) "That in the matter of fraud committed by M/s. Pankaj Finance and Leasing Limited, New Delhi at B.O. 'L' Block Connaught Circus, New Delhi of erstwhile New Bank of India, where you were posted as Special Assistant, an investigation was made by the C.B.I. and it was revealed that you were having private dealings with the said firm which was outside the scope of your duties and also you acted in a manner which was prejudicial to the interest of the Bank, your close relative Shri R.P. Sawhney was got employed by you to M/s. Pankaj Exports, which was a concern of M/s. Pankaj Finance and Leasing Limited Group. At that time, you were a workman Director in the Board of Directors of ENBI. The said firm M/s. Pankaj Finance and Leasing Limited was having a C.C. limit account with ENBI at its B.O. 'L' Block Connaught Circus, New Delhi and was enjoying the limit of Rs. 5 lakhs upto 26-9-87. Because of your private dealings with the said firm, you got the said CC limit enhanced to Rs. 85 lakhs in favour of M/s. Pankaj Finance and Leasing Ltd. on 26-9-87, through your influence on the then CMD Shri Suneja of ENBI. Moreover, you were also present in the meeting of the Board of Directors when the proposal of enhancement of CC limit in favour of M/s. Pankaj Finance and Leasing Limited was taken up. Now this account has become difficult of recovery.

(2) You got an S.B. Account No. 14692 opened in the name of your mother Smt. Shakuntala Devi at B.O. 'L' Block Connaught Circus, New Delhi, where you were posted as Special Assistant on 10-1-1991 by depositing a sum of Rs. 1,35,000/- in cash. The account Opening Form of the said account was filled in by you in your own hand writing and the account was introduced by you. The above said firm M/s. Pankaj Finance and Leasing Limited issued a cheque No. 828347 dated 30-3-90 of Rs. 1,00,000/- in favour

of your mother Smt. Shakuntala Devi and the same was deposited in her S.B. Account No. 14692 on the same day.

(3) On 30-3-90 itself your mother Smt. Shakuntala Devi issued a cheque No. 143722 of Rs. 1,30,000/- in your favour and the same was deposited in your Current Account No. 7205 at B.O. 'L' Block, Connaught Circus, New Delhi on the same day. The above said transactions show that you were having private dealings with M/s. Pankaj Finance and Leasing Limited and in some manner you were connected with the said firm, which was outside the scope of your duties.

(4) It was also revealed that one more S.B. Account No. 2617 was got opened by you in the name of your mother Smt. Shakuntala Devi at B.O. Radhey Puri of ENBI on 2-8-87. The ACP of this account was having thumb impression instead of signatures. This form was filled in by you in your own hand writing and this account was also introduced by you. The manner in which these two accounts of same person were got opened and introduced by you was against the interest of the Bank".

18. According to the charge sheet the said acts of the workman amounts to gross misconduct in terms of paras 19.5(a) and 19.5(j) of 1st Bipartite Settlement.

19. In his reply to the charge sheet the workman *inter alia* alleged that the allegations made in the charge sheet against him are baseless, fabricated based on false allegation and misrepresentation of facts. He also denied the facts that during his tenure as Director of the Board of Directors his any relative including R.P. Sawhney was ever employed under M/s. Pankaj Finance or any of their associate companies. He also denied that the CC limit of M/s. Pankaj Finance and Leasing Limited was enhanced to Rs. 85 lakhs on 29-6-87 through his influence. He further alleged that the alleged acts do not come within the purview of misconduct as mentioned in para 19.5(a) and 19.5(j) of the Bipartite Settlement. He added that he never acted in any way prejudicial to the interest of the bank and that there has not been any gross negligence or negligence on his part involving or likely to involve the Bank in any loss whatsoever. Therefore, he requested to withdraw the charge sheet issued to him.

20. The charge sheet dated 18-4-94 was amended vide order dated 30-4-94 through which the date 10-1-91 was replaced by 10-1-1990 in para 2 of the charge sheet.

21. I find that the charge No. 1 was so vague that it had not been disclosed as to what sort of private dealings, the workman was having with M/s. Pankaj Finance and Leasing Company Limited. In other charges as well it was not mentioned as to how and in what manner any prejudice or loss caused to the bank. There was nothing to indicate that the workman was negligent at any point of time in

performing his duties as an employee of the bank. With regards to employment of his near relative/real brother Shri R.P. Sawhney in M/s. Pankaj Finance and Leasing Company Ltd., due to his influence, the workman has alleged that his brother Shri R. P. Sawhney was a Commander in the Indian Navy. He also produced relevant documents to that effect showing that Shri R. P. Sawhney retired from the Navy in June, 1990, so how could he be appointed in the Finance Company during his service. Even then the enquiry officer found the said charge proved against the workman. Although subsequently the disciplinary authority exonerated the workman from this charge. As regards enhancement of CC limit of Pankaj Finance Co. on 26-9-1987 the workman has alleged that he had already retired from the Board of Directors on 31-8-1987 and nothing was disclosed in the charge that how the workman had influenced the Board of Director for increasing the CC limit and how and in what manner the interest of the bank was prejudiced due to it. So, far as the opening of accounts in the name of Smt. Shakuntala Devi mother of the workman is concerned the workman has very clearly alleged that the alleged transactions were between him and his mother and the bank was nowhere connected with the same and that he did not thereby violate any rule of the bank in assisting his mother in opening the account. He admitted that the account of his mother Smt. Shakuntala Devi was opened at Branch Office 'L' Block on 10-1-90 and that he had filled up the A/C, opening form and also introduced his mother in opening the account and that by merely filling in the account opening form and introducing his mother he did not violate any rule of the bank. He further alleged that he had not introduced his mother nor filled up the A.O.F. of his mother for opening S.B. Account No. 2617 at B.O. Radha Puri Delhi. He also alleged that his mother never lodged/made any complaint whatsoever against him with regard to her saving bank accounts and no loss or prejudice was caused to the Bank.

22. In the charge sheet it was alleged that the said act of the workman amounts to gross-misconduct as defined in para 19.5(a) and para 19. (j) of the 1st Bipartite Settlement. I would like to refer the said provisions as under :—

"19.5 By the Expression "gross-misconduct" shall be meant any of the following acts or omission on the Part of Employee —

19.5 (a) Engaging in any trade or business outside the scope of his duties except with the written permission of the bank.

19.5 (j) Doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss".

23. A perusal of the charge sheet shows that there is no mention that the workman had thereby engaged himself in any trade or business outside the scope of his duties

and further there was no mention at all to show that the workman did any act prejudicial to the interest of the bank or committed gross negligence or negligence involving or likely to involve the bank in serious loss.

24. In short the charges against the workman were that he had private dealing with Pankaj Finance and Leasing Company and on account of that he influenced the Directors to enhance the limit of loan (C.C.) of the company from 5 lakh to 85 lakh from 26-9-87 and that he got his real brother R. P. Sawhney employed in the said Company due to his personal influence and further that he filled in the account opening form of his mother and also introduced her. But there was no mention/indication at all as to how it amounts to engage oneself in any trade or business outside scope of one's duties and how that act of the workman was prejudicial to the interest of the bank. There was no allegation of gross negligence or any sort of negligence at all on the part of the workman likely to involve the bank in any serious loss.

25. I find that the charges were vague, ambiguous and not disclosing any act amounting to gross misconduct within the provisions of para 19.5 of 1st Bipartite Settlement. The workman has come with a clear allegation that due to his employees union activities, the management was highly prejudiced and trying to oust him from bank's service by hook or crook. This fact also finds support from the facts that he was charge sheeted on false fake and baseless allegations which do not come within the purview of 'gross misconduct' as defined in the Bipartite Settlement him. It shows that he was forcibly dragged to face the departmental enquiry without any basis, which was initiated and completed in arbitrary and hurry manners. The management was in so hurry to dismiss the workman from service that soon after the order dated 26-3-97 of the Hon'ble High Court of Delhi, delivered the dismissal order and also displayed it on the notice board of the bank's office soon after a few minutes.

26. The Management has also clearly alleged that the departmental enquiry for major penalty was recommended by the C.B.I. (I.O.) and, therefore, the departmental enquiry was initiated. The C.B.I., I.O. has also admitted this fact in his statement before the enquiry officer, that he had recommended departmental enquiry for major penalty. It shows that the Management initiated the departmental enquiry merely on the basis of investigating officer's report without applying its even mind as to whether the alleged facts were constituting gross misconduct within the meaning of para 19.5 of the Bipartite Settlement. It also shows that the management initiated the disciplinary proceedings with a predetermined mind to punish the workman with major penalty by way of dismissal from service. The departmental enquiry was held to complete the formalities only for awarding the punishment of dismissal. Therefore, initiation of the departmental enquiry against the workman cannot be justified.

27. Now coming to the question of fairness of the enquiry proceedings and to answer the issue No. 1, I find that the workman has alleged that he was not given any copy of the C.B.I. report recommending the departmental enquiry. He claims that he was also not shown the original documents in spite of his repeated demands and that he was also not afforded proper and sufficient opportunity to cross-examine the witness, adjournments were not allowed even on the ground of his own illness and absence of his defence representative. He has further alleged that the enquiry officer and the disciplinary authority were not acting independently, they were annoyed with him since before on account of his union activities and that they were acting under pressure of the management and with predetermined mind to award him the punishment of dismissal. In this respect I would like to refer statement of management witness Shri Roop Kumar Gureja made in para 9 of his affidavit filed before this Tribunal in which he deposed that "after submission of the enquiry report, the disciplinary authority, on finding that the claimant was deprived of participating in the enquiry proceedings vide office order dated 5-9-94 had remitted the proceedings to the enquiry officer with the observations that the enquiry shall be re-opened from the stage where it was closed and accordingly the claimant was afforded full opportunity for presenting his defence during the course of the enquiry." But there is nothing on the record to show that the workman was allowed to cross-examine the witnesses. Thus, admittedly the workman was deprived of participating in the proceedings of the enquiry as found by the disciplinary authority himself through his order dated 5-9-94. This fact that the enquiry was remitted to the E. O. by the Disciplinary authority, has also been admitted by the workman in his cross-examination before this Tribunal but he has further stated that even then he was not permitted to cross-examine the management witnesses and to file his own documents and examine his defence witnesses which was totally against the principles of natural justice. On perusal of the enquiry proceedings it appears that the workman made a representation to the disciplinary authority alleging that E.O. was biased and that the workman may not get justice from the E.O. But this representation of the workman was also rejected by the disciplinary authority which was not just and proper. The E.O. further closed the enquiry on 30-3-95 as the workman could not appear for the various reasons.

28. From the enquiry proceedings it is apparent that the workman has been making repeated allegations against the E.O. by alleging that the E.O. was biased and not acting fairly and so requesting to change the E.O. but it was never accepted. No doubt at various stages his request for adjournments were allowed but were also rejected at many times. Although apparently it appears that the efforts were being made by the E.O. and disciplinary authority and formalities were being observed to show that opportunities

were being given but actually it was merely a sham show and proper reasonable opportunities were not allowed. It is well known that justice should not only be done but it should also appear to have been done. The E.O. was not changed despite the finding of the disciplinary authority; that the workman was deprived of participating in the enquiry proceedings. The workman had always a clear apprehension in his mind that he would not get justice from the enquiry officer but it was never removed by the High ups of the management. During the enquiry he was asked to cross-examine the expert witness same day for which he made a request to allow him time to cross-examine the expert witness through his representative or any expert but that request was also turned down. His defence evidence/documents were not accepted by the E.O. on the ground that it was belated.

29. After a careful consideration of the facts and enquiry proceedings, I find that sufficient, reasonable and proper opportunity was not afforded to him to cross-examine the Management's witnesses and adduce defence evidence.

30. There could have been no harm or prejudice to the management if the defence documents/ evidence had been accepted. It goes to show that the E.O. was working under certain pressure or prejudice and not acting independently with judicious mind. Therefore, I have come to the conclusion that the enquiry was not conducted fairly, properly and legally. It was unfair and unjustified. Issue No. 1 is decided accordingly.

31. No doubt, if it is found that the domestic enquiry was unfair and unjustified, then the management may be allowed to adduce its further evidence to prove the charges, if such request is made by the management. Since, in the instant case, I have already found above that the very initiation of disciplinary proceedings was unwarranted and uncalled for as the allegations made against the workman were not sufficient to constitute any sort of gross misconduct within the meaning of para 19.5 of the Bipartite Settlement, I find no justification to re-open the enquiry and allow the management to adduce its further evidence. The management has already examined its all the witnesses before the enquiry officer.

32. After perusal of the evidence on the record, I find that the findings of the enquiry officer proving charges against the workman was also perverse and based on presumptions and conjectures. Although the enquiry officer found the charge regarding appointment of Shri R.P. Sawhney real brother of the workman in Pankaj Finance at the instance of the workman yet it was not accepted by the disciplinary authority as there was sufficient evidence to proper that Sri R.P. Sawhney was working as an officer in the Navy at the alleged time and the charge was based on concoctions only. Besides, the alleged enhancement of loan (CC) limit of Pankaj Finance Co. was also not of the

period when the workman was director of the Bank. No charge can be proved merely on the basis of suspicion and presumptions. Moreover enhancement of loan limits is not prohibited in the bank Rules, it is done by a Board of Directors and not by my individual. It has also come in evidence, that the loan limit was also enhanced on other occasions as well and even subsequent to it. Therefore, it cannot be made basis of the punishment. So far as the opening of account in the name of the mother of the workman is concerned it is also right of every citizen and if any relative of any one is employee of the Bank it does not mean that he or she cannot open an account in the bank. Besides, if the account opening form any relative/mother is filled in by any employee of the bank or the person concerned opening account is introduced by him, then it cannot be said that it was illegal or improper or against the interest of the bank unless any *mala fide* or loss is proved by such act. No one can be punished for such an act merely on certain suspicion or presumption. I find that there was no evidence against the workman to prove any alleged misconduct.

33. I also find that the disciplinary authority did not consider previous service records of the workman before awarding the punishment of dismissal. Provisions of para 19.12(c) makes it mandatory for the disciplinary authority that "In awarding punishment by way of disciplinary action the authority concerned shall take into account the gravity of the misconduct, the previous record, if any, of the employee and any other aggravating or extenuating circumstances that may exist". It shows that the disciplinary authority has also acted arbitrarily and with pre-determined mind for awarding the punishment of dismissal from service which is the extreme. Penalty for grievous misconduct although there was no evidence to prove any grievous misconduct. I find that arbitrariness of the management has flourished from each stage and every corner of the enquiry. The enquiry was merely a sham show to punish the workman.

34. In view of the above discussions I find that the action of the management in initiating the disciplinary proceedings against the workman and awarding him punishment of dismissal from service was unwarranted, unfair, unjustified and illegal, therefore, it cannot be legally sustained. In the result the punishment order is liable to be quashed and prayer of the workman deserves to be allowed.

35. The workman has clearly alleged that he is out of employment since the date of his dismissal from service. The management has failed to prove that the workman has been in some gainful employment else where during the forced unemployment. Therefore, the workman is also entitled to get full back wages. Accordingly I hold that the workman is entitled to be reinstated in the service with continuity of service, full back wages till the date of reinstatement along with all other consequential service benefits. ~~Pankaj shall bear their own cost. The terms of reference is answered and award is given accordingly.~~

36. I.D.No. 121/98 has become infructuous as found above. A copy of this award shall be placed on the file I.D.No. 121/98 original being placed on the file of I.D.No.113/99.

Dated: 11-03-2004 B.N.PANDEY, Presiding Officer

नई दिल्ली, 29 मार्च, 2004

का० आ० 1015.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्केलॉजिकल सर्वे ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 93/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2004 को प्राप्त हुआ था।

[सं. एल-42012/19/94-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 29th March, 2004

S.O. 1015.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 93/94) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workmen, which was received by the Central Government on 29-03-2004.

[No. L-42012/19/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II,**

**RAJENDRA BHAWAN, GROUND FLOOR,
RAJENDRA PLACE, NEW DELHI**

PRESIDING OFFICER: SHRIR. N. RAI

I. D. No. 93/94

In the matter of:

Shri.Kavinder Kumar Kaushik

Versus

M/s. Archaeological Survey of India

AWARD

The Ministry of Labour vide its letter No. L-42012/19/94-IR(DU) Central Government dated 25-8-94 has referred the following point for adjudication. The point runs is as hereunder :—

“Whether the action of Supdt. Archaeologist, Archaeological Survey of India, Delhi in terminating

the services of Shri Kavinder Kaushik, Casual Labour/Chowkidar w.e.f. 16-5-1991 is justified? If not, what relief he is entitled to?”

The claimant has filed statement of claim. In his statement of claim, the claimant has stated that he joined the employment of the Archaeological Survey of India w.e.f. 1-6-1990 as a Labour/Chowkidar. He was being treated as a daily rated/casual/muster roll worker and was being paid wages much less than those fixed and revised from time to time under the Minimum Wages Act for unskilled casual worker while his counterparts doing the identical work and the work of the same value but being treated as regular employees were being paid their salary in the pay scale of Rs. 750-940 with usual allowances admissible under the rules.

That the service of the workman was terminated w.e.f. 16-5-1991. It has been further submitted that the workman worked from 1-6-1990 and his services were terminated on 16-5-1991 so he has done, more than 240 days work in a calendar year. His job was of regular and permanent in nature. He was a muster roll worker and he worked regularly for almost one year. The termination of services is violative of Articles 14, 16 and 39 (d) of the Constitution of India. It amounts to sheer exploitation of labour. No charge sheet was given to him. No seniority list was displayed, no notice was given, no notice pay was offered and no service compensation was either offered or paid to the workman at the time of termination of services.

The Opposite Party has filed written statement. In the written statement, it has been admitted that he joined ASI w.e.f. 1-6-1990 as a casual labour daily rated employee but rest contents of the other paras are denied. The contents of para 2 have been denied. It has been asserted that the services of the claimant was terminated after making through enquiry conducted by the security Officer and the claimant was found guilty. A copy of the enquiry report is annexed hereto as annexure ‘A’. It has been further asserted that he was a daily wages worker and he has not completed 240 days work. He was paid the wages of a daily wages employee. The ID Act, 1947 is not applicable to ASI as it is not a Public Sector Undertaking. The court has no jurisdiction. The job of the claimant was not of a permanent in nature hence claim is inconsistent. It is stated that the model standing orders 1946 and Industrial Dispute Act, 1947 do not apply to the management of ASI since it is a Central Government body governed by the Central Government Rules and Regulations.

The workman has filed rejoinder.

In his rejoinder, he has denied the statement of the written statement and has said that no domestic enquiry was conducted against the workman and he was not afforded any opportunity of being heard. Principles of natural justice were completely violated by the management. No enquiry report is annexed with the written

statement. He has worked for 240 days in a year and the ASI is a Public Sector Undertaking. He performed his duties honestly and sincerely. All other statement of written statement have been denied in the rejoinder.

It is clear from the perusal of the order sheet that management is not turning up atleast for 3 years so no notice need be served. This case was transferred from CGIT(1) but the management in this case is not turning up for a long time. In case the management was not turning up in the CGIT(1) for two years, it is not essential that notice be sent again for arguments.

Heard arguments from the side of the workman. None argued from the side of the management. It is clear that the applicant/workman has worked for more than 240 days. My attention was drawn to 1982 SCC (L&S) 124, it has been held that if the workman has worked for 240 days under Section 25(F), his service cannot be terminated without given any compensation. In 1982 SCC cases 124, and 1981 SCC cases and 1987 SCC cases page, 281, it has been all along held by the APEX Court that it is to be proved by the applicant that he has completed 240 days service. If he has 240 days service, in that case notice of termination is to be given and compensation is to be given to him. In the written statement, it has been stated that an enquiry was made against the workman but no file of enquiry has been annexed with the record. The management has not filed any other paper. My attention was drawn to 1981 SCC (L&S) 478, in case service is completed for 240 days, 25(F) is applicable. In 1982-SCC, page 24, the same view have been expressed. The management in this case has not given any evidence. No enquiry paper has been filed.

The other question that remains is whether Industrial Dispute Act is applicable to ASI or not. The management has not shown any paper that ASI is not a Public Sector Company. As such the case is covered by ID Act. In 1992-I-LLJ-331, 1988-I-LLJ-341 and 1978-I-LLJ 349, it has been held that the planetorium and museum and like other such institutions come under the definition of the ID Act, so the ID Act is applicable.

So far as the back wages are concerned, the workman was a daily wager. He was a labourer and he must be doing some labour somewhere else. He has made reference after 3 years. In the circumstances, he is entitled to get only 50% back wages.

The reference is replied thus :—

The action of Supdt. Archeaologist, Archeaological Survey of India, Delhi in terminating the services of Shri Kavinder Kaushik, Casual Labour/Chowkidar w.e.f. 16-5-1991 is not justified?

The workman deserves reinstatement with 50% back wages.

The award is given accordingly.

Dated : 12-03-2004. R. N. RAI, Presiding Officer

नई दिल्ली, 29 मार्च, 2004

का. आ. 1016.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 64/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2004 को प्राप्त हुआ था।

[सं. एल-40012/82/89-डी. 2(बी)]

कुल्दीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 29th March, 2004

S.O. 1016.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/90) of the Central Government Industrial-Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 29-03-2004.

[No. L-40012/82/89-D. 2(B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II,

RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACER, NEW DELHI

PRESIDING OFFICER: SHRI R. N. RAI

I. D. No. 64/90

Shri Balwant Singh

Versus

Deptt. of Telephone

AWARD

The Ministry of Labour vide its letter dated 5-7-90 Order No. L-40012/82/89-D-2(B) has referred the following points for adjudication.

“Whether the action of the Management of General Manager (Maintenance), Deptt. of Telecommunication Kidwai Bhawan, New Delhi in terminating the services of Shri Balwant Singh w.e.f. 24-2-88 was justified? If not, what relief the workman is entitled?”

The claimant has filed the statement of claim. In his statement of claim, he has submitted that his services were terminated on 24-2-1988. He joined as Peon w.e.f.

24-3-1987. As such he served for more than 240 days. No seniority list was exhibited. No compensation was paid to him. His services were terminated abruptly.

The management has filed WS. In WS the management has admitted that he was daily wager mazdoor. The management has also admitted the period of his service but the contention of the management is that he has completed only 227 days. He has not completed 240 days so there is no question of compensation.

The workman has filed rejoinder. He has denied all the allegations of the WS and has stated emphatically that he had worked for 240 days.

Heard argument from both the sides and perused papers on the record. It was admitted by the learned counsel of the workman that the workman died on 30-11-1990. His wife has been substituted at his place. It is admitted to both the parties that he join service on 24-3-1987 and it is also admitted that his services were terminated 24-2-1988. It is also admitted that the workman died on 30-11-90. There is no question of regularisation or reinstatement as the workman has expired. His wife has to get compensation. He died after 2 years 9 months and 5 days after termination of this service.

I have perused the cross of the management witness. He has admitted the period of his service. He has also admitted no seniority list was exhibited. In case he worked from 24-3-1987 to 24-2-1988, he has worked for more than 240 days. In such circumstances seniority list should be exhibited and he should be given compensation. If the period of his service is considered it is more than 240 days. There is no force in the argument of the management that he worked for 227 days. The witness of the management has admitted that his service was continuous. So it is more than 240 days. Seniority list has not been exhibited. No compensation has been paid to him. As such had he been alive he would have been reinstated. The workman is dead in such circumstances his wife is entitled to get wages for 2 years 9 months and 5 days as compensation.

It was argued by the management that only 50% wages should be given from the side of the workman I.L.L.J 1982 was cited. It is clear from this judgement of the Hon'ble Court that Sundays and holidays could not be excluded in case of continuous service. In L.L.N 1982 page 302 the Hon'ble Court has held that the worker should get 100% wages if he is not under gainful employment. He was a casual worker so it will be deemed that he might be doing some manual work. The management has no agency to ascertain whether he was in gainful employment or not but since he died just after approximately within 3 years so it will be presumed that he will not be doing manual work and his wife is entitled to get 100% wages from the period of his termination of his service till his death.

The law cited by the learned counsel of the workman are applicable. 100% back wages will meet the ends of

justice. His wife is entitled to get 100% wages for 2 years 9 months and 5 days the date on which he was removed from service till the date of his death at the date of 744 per month. The workman in his statement of claim has said that his last drawn wages were 744 per month. His wife is entitled to 100% of the wages which the workman was getting along with 10% interest per month.

The point referred to is replied thus :—

The action of the management of General Manager (Maintenance) Deptt. of telecommunication Kidwai Bhawan, New Delhi in terminating the service of Sh. Balwant Singh w.e.f. 24-2-1988 is not justified. Since he is dead his wife is entitled to get 100% back wages for 2 years 9 months and 5 days at Rs. 744 per month along with interest of 10% per annum. The Award is given accordingly.

Dated:-01.03.2004

R.N. RAI, Presiding Officer

नई दिल्ली, 29 मार्च, 2004

का. आ. 1017.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलावती सरन चिल्ड्रन हास्पिटल के प्रबन्धन के संबद्ध निषेधकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 88/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2004 को प्राप्त हुआ था।

[सं. एल-42012/90/96-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 29th March, 2004

S.O. 1017.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 88/97) of the Central Government Industrial-Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kalawati Saran Children Hospital and their workman, which was received by the Central Government on 29-03-2004.

[No. L-42012/90/96 - IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II,

RAJENDRA BHAWAN, GROUND FLOOR,
RAJENDRA PLACER, NEW DELHI

PRESIDING OFFICER: SHRI R. N. RAI

I. D. NO. 88/97

IN THE MATTER OF :

BABU RAM

VERSUS

KALAWATI SARAN CHILDREN HOSPITAL

AWARD

The Ministry of Labour vide its letter No. L-42012/90/96-IRDV dt. 20-06-1997 has referred the following points for adjudication. The point runs as hereunder :—

“Whether the action of the Management of Kalawati Saran Children Hospital for denying the promotion to Shri Babu Ram is just and fair? If not, to what relief the workman is entitled to?”

The claimant has filed statement of claim. In his statement of claim, he has stated that the post of Safaiwala was vacant due to the retirement of an employee. A Departmental Promotion Committee (DPC) was formed to fill up this post. The DPC promoted the employee superceding three senior incumbents and request was made. It was said that the DPC did not take up his case. It has been further submitted that the DPC promoted one employee Premwati II, Safaiwala on 23-06-1995 as Head Safaiwala, whereas her date of initial appointment is 07-10-1970. Again DPC promoted another employee Premwati, safaiwala to the same senior post on 12-12-1995, though she was appointed in 1971. This promotion was not made on the basis of seniority. One of the deprived employees has already retired and another has recently been given promotion which is too unsystematic.

The Management has filed written statement. It has been stated in the written statement that the applicant has not exhausted the available channels. The present dispute is covered by the judgement passed by the Hon'ble Supreme Court of India reported in AIR 1970 SC page 1407, it has been observed in the judgement that such hospitals are charitable. The reference made by the State Government, Bihar was thus incompetent. Kalawati Saran Children Hospital is a charitable hospital. It is not the industry of the public sector. Kalawati Saran Children Hospital is run by the Central Government and has been providing medical aid to the citizen of India without any charges and it is run for the welfare of the public and entire fund is provided by the Ministry of Health, Government of India. The statement of claim of the claimant has been denied. It has been denied further that the post of Statistician fell vacant w.e.f. 4-6-1994, but the recruitment rules were notified by the Ministry of Health and Family Welfare only on 19.1.1995. A meeting of D.P.C. was held on 8.4.1995 to fill the post of Statistician. Shri Mool Raj Wadhwan, senior most was not appointed being medically unfit so Shri Babu Ram was considered for promotion to the post of statistician subject

to the condition of vigilance clearance from competent authority and the minutes were kept in sealed cover. In the exigency services next candidates was given an Ad-hoc appointment as a time gap till Shri Babu Ram was to be appointed on regular basis.

The workman has filed rejoinder. He has stated that he was a member of the union so his case was not considered. The Hon'ble Supreme Court judgement cited above is not applicable. AIR 1960-SC-610, 1978 LIC 467, 513, 514 (SC) Bangalore are applicable. The present hospital is not a charitable hospital but it is the industry. The Government pays the entire expenses. He was exonerated from the vigilance enquiry as such he should have been deemed to be promoted from the date 8.4.1995, subject to the condition of vigilance clearance from competent authority.

Heard arguments from both the sides. The name of the workman was considered for promotion and he was found fit for promotion but he was promoted subject to the result of the enquiry. He has been exonerated in the vigilance enquiry.

It was argued by the workman that the vigilance enquiry was held simply to harass him and he was exonerated from the enquiry, his promotion was withheld subject to the result of enquiry since he was exonerated in enquiry so the enquiry shall be deemed fake. It was further argued that he should be deemed to be promoted from 8.4.1995.

It was argued from the side of the management that his name was considered but since there was a vigilance enquiry, so another person was taken in his place and when the vigilance enquiry was over, and he was exonerated, he has been promoted. No report of the vigilance enquiry has been annexed with the record. The workman was a member of the union so the vigilance enquiry was set up against him deliberately. He has been promoted from 28.8.1995 whereas he should have been promoted from 8.4.1995 since there is a gap of four months and has now been promoted so there is no malafide intention of the management. Had there been any malafide intention of the management, the vigilance enquiry would have been prolonged. As such there is no merit in the case of the workman applicant.

The reference is replied thus :—

The action of the management of Kalawati Saran Children Hospital for denying the promotion to Shri Babu Ram is just and fair. The workman is not entitled to any relief as asked for.

The award is given accordingly.

Dated : 10.03.2004.

R. N. RAI, Presiding Officer

नई दिल्ली, 29 मार्च, 2004

का.आ. 1018.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बदरपुर थर्मल पावर स्टेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० II, नई दिल्ली के पंचाट (संदर्भ संख्या 24/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2004 को प्राप्त हुआ था।

[सं. एल.-42011/6/84 डी०-II(बी.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 29th March, 2004

S.O. 1018.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/94) of the Central Government Industrial-Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Badarpur Thermal Power Station and their workmen, which was received by the Central Government on 29-03-2004.

[No. L-42011/6/84-D-II(B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER:

CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL-CUM-LABOUR COURT-II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE

NEW DELHI

PRESIDING OFFICER: R. N. RAI

ID. NO. 24/94

IN THE MATTER OF:-

THE GENERAL SECRETARY,

BADARPUR POWER ENGINEERS ASSOCIATION

Versus

BADARPUR THERMAL POWER STATION,

BADARPUR

The Ministry of Labour vide its letter dt. 28-12-1999 has referred the following points for decision by this Tribunal. The point runs are hereunder:—

"Whether the demand of General Secretary, Badarpur Power Engineers Association that the Sr. Operator/Jr. Controller, Assistant Controller, Controller, Accountants Grade-I, II and III, Sr. Accountant, Jr. Chemists, Supervisors Grade I, II, and III and Sr. Supervisor in Badarpur Thermal Power Station should be consequently paid over time in terms of reference provisions of Factories Act, 1947 by the Management of Badarpur Thermal Power Station under National Power Corporation

Ltd., is justified? If so, to what other benefits these categories of workers are entitled and from when?"

Central Government vide its order No. L-42011/6/84-D-II(B) (PT) dt. October, 1985 has referred the point to the Tribunal in 1984. The question involved in view of dispute was whether the demand of General Secretary, Badarpur Power Engineers and Workers Association that the Sr. Operator/Jr. Controller, Assistant Controller, Controller, Accountants Grade-I, II and III, Sr. Accountant, Jr. Chemists, Supervisors Grade I, II, III and Sr. Supervisor in Badarpur Thermal Power Station should be consequently paid overtime in terms of reference provisions of Factories Act, 1948 by the Management of Badarpur Thermal Power Station under the National Power Corporation Ltd. Is justified. If so to what other benefits these categories of workers are entitled and from when?

In ID No. 1/1986, the award was given and it was held that Sr. Operators, Junior Controller, Asstt. Controller, Controller, Accountants Grade-I, II, III, Sr. Supervisor, Jr. Chemists in BTPS holding that they are all workmen within the meaning of Section 2(1) of the Factories Act, 1948 to become entitled for overtime according to the provisions of Factories Act, 1948?

The workmen of Badarpur Power Engineers Workers Union through its General Secretary, namely, Shri Om Parkash moved an application for a direction that during the pendency of the reference under Section 36.A of the ID Act does not affect the previous award in any manner. The provision of Award given by the Tribunal holding that the categories of persons stated in terms of reference as workmen as defined in Section 2(s) of the I.D. Act and further to direct not to debar the workmen from exercising their vote in secret ballot to be held on 30-12-1999 on the ground of pendency of reference under Section 36(A) of the I.D. Act.

That the award of ID No. 1/86 was given by the Tribunal and it was published by the Central Government in part-II, Section-3 Sub-Section (ii) of Gazette of India dt. 22nd August, 1992 and became enforceable after the expiry of 30 days of publication of award. The term of reference contained two parts and both the parts of reference were answered in affirmative.

Thereafter the Central Government the Ministry of Labour vide No. L-42011/6/84-D-II(B) (PT) dt. 1-3-1994 in exercise of the powers conferred under Section 36.A of the ID Act, 1947 has referred the point for decision by this Tribunal.

The Management of BTPS through his General Manager has filed the statement of claims on the question referred by the Central Government for the interpretation of Award under 36.A of the Municipal Act, 1947.

They have stated in their statement of claim that the matter was referred for adjudication to the Hon'ble Tribunal in ID No. 1/86 that the union has changed its name from Badarpur Power Engineers Association to Badarpur Power Engineers and Workers Union. The change of the name is duly attested by the Registrar of Trade Union in the Registration Certificate of the Union on 24-09-1992.

That in ID No. 1/86, the Hon'ble Tribunal held that all the persons stated in first part of reference were "workmen" as defined in Section 2 (s) of the ID Act, 1947. Para 31 to 34 of the Award have been reproduced in this claim.

That from the submissions, it emerges that the following points are to be interpreted, the first is that all persons stated in term of reference were workmen as defined in Section 2(s) of the ID Act. The second point that arises is that these persons were entitled for overtime as per the provisions of Factories Act. The third point that requires adjudication is whether the persons stated above are entitled to all other statutory benefits as given to other workmen from the date of reference.

That the Award given by the Hon'ble Tribunal is binding upon the management of Badarpur Thermal Power Station and the same has to be implemented by the management without fail. The management started the unfair practices to thwart the implementation of the award and has no respect for the law and is openly flouting the Provisions of law. The persons are subjected to whims and fancies of the management. They are all denied the statutory benefits of law. The union made representation to the management for the implementation of award but all it fell to deaf ears. A complaint was also made to the Regional labour Commissioner (Central) for the non-implementation of the award.

That a Circular was issued by the General Manager, BTPS with a view to mislead the employees and was an unfair labour practice in order to undermine the strength of Union. However, the management admitted that the categories of employees referred in terms of reference are declared as workmen by the Industrial Tribunal and they should be treated as workmen but the management in the above circular stated that mere declaration of workmen under the particular act does not entitle them for the payment of overtime as per provisions of Factories Act.

That it is further submitted that though the categories of employees referred in the terms of reference were held workmen under Section 2(s) of the ID Act by this Hon'ble Tribunal but management does not want the award to be implemented. Thus, the management is denying the workmen the statutory benefits to which other workmen are entitled to. Thus, the management of BTPS is indulging in unfair labour practices and acting

malafildely with a view to get rid of this union and thus the management has neglecting the rights of employees of BTPS.

That the discussions were held between the management and the union and the management contended that no relief has been given in the award and it is not implementable whereas the union submitted that the award is implementable.

Thereafter the Central Government under 36.A of the Industrial Dispute Act, 1947 the question involved which runs as hereunder :-

"Whether the award given by the CGFT, New Delhi in I.D. No. 1/1986 holding that the Sr. Operators/Junior Controller, Asstt. Controller, Controller Accountants Grade-I, II and III, Sr. Accountants Grade, Supervisor Grade-I, II, III, Sr. Supervisor, Jr. Chemists in BTPS holding that they are all workmen as defined in Section 2 (s) of the I.D. Act also means that they are "workers" within the meaning of Section 2 (1) of the Factories Act, 1948 to become entitled for payment of overtime according to the provisions of the Factories Act, 1948 ?."

It has been submitted that the management is indulging in luxurious litigation and depriving the workmen, their legitimate rights. The objections of the management in implementing the award are untenable and devoid of any merits. Since BTPS is a Industry under the provisions of I.D. Act and a factory under the Factories Act, therefore, workmen employed are also workers of BTPS so as to cover under the Factories Act. So they are entitled to overtime according to the provisions of Factories Act. Only the persons holding the position of Supervision or Management are exempted for the payment of overtime under the provisions of Section 64 of the Factories Act, 1948. It has been further stated that the definition of workmen under Section 2 (s) of the ID Act and workers Under Section 2 (1) of Factories Act are inter-related i.e. all workmen employed in a factory are also the workers under Factories Act. Therefore, all the workmen employed in BTPS are covered under the Factories Act. It has been further stated the Rule 81 of Delhi Factories Rules, only those persons due to hold the position of supervision or management and not concerned with the manual labour and are not in supervisory capacity are exempted from getting the overtime.

Therefore, from perusal of Section 64 of Factories Act and Rule 81 of Delhi Factories Rules, it is clear that the persons referred to above under Section 2 (s) of the ID Act were also worker within the meaning of Section 2(1) of Factories Act, 1948 and entitled for the payment of overtime according to Section 59 and other relevant provisions of Factories Act.

That it is further submitted that all other workmen in BTPS irrespective of their designation or category are getting overtime as per the provisions of factories Act,

1948 i.e. at the rate of twice the rate of ordinary wages, when they are detained for overtime work. The foremans, Time-keepers, Watch and Ward Staff (Security), Stenographers, Cashiers Assistants, all these workmen categories are getting the overtime at the rate twice the rate of ordinary wages under the provisions of factories Act.

Therefore denial of overtime is not only discriminatory but also violative of law. The Hon'ble Tribunal has held in the ID of 1/86 that accountants not holding any confidential position and doing work manually and are not holding supervisory position are workmen. The accountants are eligible for overtime. It has been further submitted that since all the other workmen in BTPS were already getting overtime in terms of Section 59 of the Factories Act, 1948 i.e. at the rate of twice the rate of ordinary wages, upon commissioning of the other projects of NTPC, the management of NTPC issued a circular dt. 10-04-1984 in regard to payment overtime for workmen categories and in that circular, it has been stated that all the workmen are entitled to get overtime as prescribed in the Factories Act, 1948.

In view of the submissions above, it is abundantly made clear that the persons who are held workmen in the Award given in I.D. 1/86 are also worker within the meaning of Section 2(1) of factories Act, 1948 to become entitled for payment of overtime in accordance with the provisions of the Factories Act, 1948. It has been further submitted that the proceedings held before the Hon'ble Tribunal in ID No. 1/86 were required to work in Shift A, B and C. There is no rest interval for the shift duty. The timings of General shift are 8.30 AM to 5.00 P.M. with half an hour half rest interval.

That they are detained compulsorily beyond their normal duty hours as and when required by the Management and the shift worker is required to work in another shift in absence of the workers of the next shift who failed to report for duty in his shift to relieve the previous shift workers. As such they are required to do the double shift A+B Shift, 18.30 hours, B+C shift, 13.30 hours and C+A Shift, 17.30 hours. In this way, there working hours exceeds the 9 hours per day whereas the entire average weekly hours of work should be 48 hours. It has been further submitted that the workers fulfilled the requirement of Section 59 of Factories Act (i.e. more than 9 hours a day or 48 hours a week). Since they are detained for overtime after their normal duty hours and hence they are entitled to overtime according to the Factories, 1948. That this Hon'ble Tribunal has already held that the workmen are entitled to overtime according to the provisions of the Factories Act and they were also entitled to all statutory benefits as other workmen were entitled to from the date of reference.

Therefore, the Engineers and Workers Union BTPS has prayed that Award given in 1986 in which the employees have been held workmen are entitled for payment of overtime according to provisions of the Factories Act, 1948 and other statutory benefits as the workmen are entitled and to direct the Govt. accordingly.

The Management has filed written statement.

In the written statement, the management has stated that 36-A of the I.D. Act is not applicable in the circumstances of the case. No interpretation is required. The Hon'ble Tribunal previously defined Section 2(S) and treated them as worker under the Factories Act. The Definition of 2 (S) of the I.D. Act and 2 (x) of the Factories Act are different. The workmen and the worker cannot be joined together under 2 (S) of the Industrial Dispute Act. The workmen means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person who is employed mainly in a managerial or administrative capacity who being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per month. It has been submitted in Factories Act, the worker has been defined. The definition runs as hereunder :—

Worker means a person employed directly or through any agency including a contractor with or without the knowledge of the principal employer, whether for remuneration or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with, the manufacturing process or any other kind of work incidental to or connected with the manufacturing process. It is obvious from the definition that the definition under the I.D. Act is whether in terms of the workmen but so far as the worker is concerned, only those persons are worker who are drawing less than Rs. 1600/- per month and are engaged in the manufacturing process. The Hon'ble Tribunal previously held the employees referred to above as workmen and held that they should be given overtime but the Hon'ble Tribunal did not distinguish between the definition of the workmen under the Industrial Tribunal Act and workers under the Factories. In case the workers fall under the category defined in the Factories Act, they are of course entitled to get overtime. In the present case no such difficulty or doubt can be said to have arisen and as such the reference under Section 36-A is without jurisdiction. it is clearly a case of non-application of

mind to the award and the provisions of law referred to above by the Central Government while making the present reference. The workers under the Factories Act are entitled to get overtime but their definition is different from the definition of the workmen under ID Act.

All the paragraphs of the statement of claim have been denied and it has been asserted that the award needs no interpretation.

The claimant has filed rejoinder and in their rejoinder, they have stated that the allegations of the written statement are wrong. There is no ambiguity in the Order of the Court and they are entitled to get overtime. Written arguments have been filed by both the sides. Perused the written arguments and the law cited by both the parties.

It has been argued from the side of the union that all the employees of the BTPS are workmen under Section 2 (S) of the I.D. Act and workers under Section 2 (1) of the Factories Act. My attention was drawn to AIR 1971-SC, 1984 SC 914. These rulings are not applicable in the facts and circumstances of the case. The workers of the Factories Act have to fulfill the conditions for getting overtime. Those conditions can be fulfilled under the Factories Act.

My attention was drawn to 1978 ILJ 515 and 1968 II LLJ 74. It has been held that if the duties of the workmen are connected with the factories, in that case only they can get overtime. AIR 1987 SC 820, AIR 1987 SC 1347, AIR 1971 SC 832, AIR 1958 SC 388 are not applicable in the facts and circumstances of the case. On behalf of the management, it was argued that the employees of the B.T.P.S. are in no sense workers under the I.D. Act. They are workmen and there is no provision for overtime in the I.D. Act. There are no difficulties and the award of the previous Tribunal is quite clear. In AIR 1966 SC 1903 it has been held that the Tribunal cannot review or modify its own order. Section 36. A enables the Tribunal only to clarify the provisions of its award where a difficulty or doubt arises about the interpretation of the provisions. In AIR 1959 Madras, Page 364, It has been held that it can only clarify its order. In 1985 Lab IC 130 it has been held that the right of review does not exist unless conferred by law or by necessary implications. This court cannot review the award. Only clerical errors can be removed. There is no such power inherent in the Industrial Tribunal as has been held in 1954 2 Lab LJ 410 (Mad) and AIR 1959 Mad 364). The principal question is whether the award given by the Tribunal needs interpretation. The award to my mind is very clear. There is no clerical error in the award that needs interpretation.

In ID No. I/86, my predecessor Presiding Officer has replied two questions. The first question is whether the employees of B.T.P.S. are workers and they are entitled to get all the statutory benefits of the

Factories Act. The learned Predecessor-Officer has decided that they are the workmen and they are entitled to get all the benefits of the Factories Act. The learned Predecessor has not defined the worker as the definition has been given in the Factories Act. In case, the worker is defined afresh, it will amount to review. The findings of the learned Predecessor that the employees of B.T.P.S. referred to above are workmen and they should get all the statutory benefits of the Factories Act. he has not considered whether they are the workers under the Factories Act or not. That is not an ambiguity and it needs no explanation.

It has been further submitted by the management that this court has got no power to review or recall so far as the findings of the Predecessor Officer are concerned, he has held that the employees of B.T.P.S. are workmen and they are entitled to get all the statutory benefits of the Factories Act.

It was further submitted that the order is quite clear. The word worker has not defined according to the definition of the worker in the Factories Act. In case, this tribunal decides between the workmen and the workers that will amount to review and this court has no power to review the award as I have cited the decisions of the APEX Court. In the circumstances, if an interpretation of workmen and worker is given a fresh that will amount to review of the award. The power lies with the Hon'ble high Court or the Hon'ble Supreme Court. This court has no power to review the award of the predecessor officer. The second question is not relevant.

In view of the above discussions, the reference is replied thus.

The award given by the C.G.I.T., New Delhi in I. D. No. 1/86 cannot be interpreted or explained under 36 A of the Industrial Dispute Act, 1947 as there is no ambiguity so far as the award is concerned. The award is given accordingly.

Dated: 12-03-04

R. N. RAI, Presiding Officer

नई दिल्ली, 29 मार्च, 2004

का.आ. 1019.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बेस कन्स्ट्रक्शन बोर्ड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट (संदर्भ संख्या 132/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2004 को प्राप्त हुआ था।

[सं. एल.-42012/34/91-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 29th March, 2004

S.O. 1019.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 132/91) of the Central Government Industrial Tribunal/Labour Court, Chandigarh now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Beas Construction Board and their workmen, which was received by the Central Government on 29-3-2004.

[No. L-42012/34/91-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, CHANDIGARH

Case No. ID 132/91 Ramesh Kumar son of Shri Jai Narain,
C/o Jhangra Engineering Works,
Sarai Chopta, Bhiwani,
Distt. Bhiwani. ... Workman.

Versus

1. Chief Engineer (Electrical)
Beas Project (PW)
Bhiwani-Haryana

2. Executive Engineer,
Beas Board, Beas Project,
Prem Nagar,
Bhiwani. ... Management.

APPEARANCES:

For the workman : Workman in person.
For the management : N.D. Kalra with Neeru Chadha.

AWARD

(Passed on 3rd August, 2001)

The Central Govt. vide notification No. L-42012/34/91-IR (DU) dated 27th September, 1991 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Beas Construction Board in relation to their Supdt. Engineer, Beas Project Bhiwani (Haryana) in terminating the services of Shri Ramesh Kumar T. Mate w.e.f. 10-6-1988 is just, fair and legal? If not to what relief the workman concerned is entitled to and from what date?"

2. After receiving reference order the case was registered in Institution register and the notice was issued to the workman to appear and file claim statement. The workman filed claim statement in which he has pleaded that he was appointed as T. Mate vide order dated

21-11-1984 by Executive Engineer. He joined his duties with SDO, T&C Bhiwani. He was discharging his duties sincerely till the month of July 1988. The payment of salary for the month of June and July 1988 were not paid to him, so, he filed an application to the competent authority under Payment of Wages Act at Bhiwani for the payment of wages for the month of June and July 1988. The notice was issued to the management for reply of that application but the management illegally terminated the services of the workman without conducting proper and fair enquiry. He was treated as absent from duty on the date of his termination of services. The appointment of the enquiry officer and conduct of enquiry was not fair and proper. Proper charge sheet was not given to the workman. Copies of the documents relied upon by the management were not given to him. The list of witnesses was also not supplied to the workman. Opportunity to cross-examine the witnesses was not afforded to him. He was not allowed to engage defence representative and production of defence witnesses. The show cause notice for proposed punishment was given to him. Reply of which was given by the workman. But his reply was not considered, while imposing the punishment of dismissal. He was dismissed from service. Thus the enquiry was conducted against the principle of natural justice. The disciplinary action was taken against the workman when industrial dispute was pending for conciliation before Asstt. Labour Commissioner, Rohtak. Due approval was not sought from A.L.C. Rohtak to hold the enquiry against the workman. Therefore, the enquiry held against the workman is in violation of Section 33-A of the I. D. Act, 1947. The workman deserves to be reinstated with continuity of service and full backwages. Therefore, the dismissal order be set aside and the management be directed to reinstate him on the date of his dismissal with continuity of service and full backwages, alongwith other incidental benefits.

3. The management has filed its written statement alleging that the workman will fully remained absent from duty w.e.f. 10-6-1988. He was transferred vide order dated 10-6-1988 from T&C Sub Divn. No. 2 to SDO Grid Sub-Station sub division No. 2 Bhiwani. He reported to Shri P. Ashok Kumar SDO G. S.S. II Bhiwani who allotted him duty with Junior Engineer Shri S. D. Yadav. The workman went to Shri S. D. Yadav, J.E. at about 11 AM on 10-6-1988 who at that time was getting the jumper of 220 KV, interlinking insulator on the Yard. He took the workman on duty and asked him to pull the rope which the other T. mates were doing at that time. But the workman refused to pull the rope by saying that he could not work in sunlight and then went away and never came back on duty after that. Thus the workman will fully absented himself from duty w.e.f. 10-6-1988.

5. The workman was guilty of misconduct and absence from duty on 10-6-1988, so the enquiry officer

was appointed by disciplinary authority to hold enquiry relating to the alleged misconduct. The enquiry officer followed the procedure laid down in Certified Standing Orders. He was given proper and fair opportunity to defend himself. Opportunity to cross-examine the witnesses was afforded by the enquiry officer. He was afforded the opportunity to avail the services of other co-employee for his defence and to produce defence witnesses in his defence. The show cause notice of proposed punishment was also given to him, the reply of which was considered by the disciplinary authority. Considering the gravity of misconduct the workman was dismissed from service w.e.f. 10-6-1988.

6. The workman filed an application before the competent authority under the Payment of Wages Act to get his wages. Whereas the departmental enquiry held by the management related to the misconduct of the workman. The workman had also submitted an application before A.L.C. (Rohtak) against the dispute of denial of work by the management. The issue of misconduct of the workman was not under consideration before A.L.C. (Rohtak), therefore, the provisions of section 33-A of the I.D. Act 1947 were not applicable. Taking into consideration all the facts and circumstances of the case the claim of the workman is not maintainable. He is not entitled to his reinstatement along with continuity of service and full backwages. Therefore, the claim of the workman be dismissed with cost.

7. The workman has not filed the rejoinder in this case.

8. In this case the appointment of the workman as T. Mate vide order dated 21-11-1986 by Executive Engineer T&C Cell, Beas Project Bhiwani and joining his duties with SDO (T&C) Bhiwani are admitted facts. The filing of application for the payment of wages to the competent authority under the Payment of Wages Act is also an admitted fact. The filing of application by the workman before A.L.C. (C) Rohtak is also an admitted fact.

9. The workman had filed his affidavit Ex. W1 and documents Ex. W2 to Ex. W5. The management has filed the affidavit of Shri M.S. Tandon, Executive Engineer, Bhiwani which is Ex. M2. The enquiry proceedings has been exhibited as Ex. M1. The workman has deposed in his affidavit that he reported for duty to Sub Divisional Officer/Junior Engineer on 10-6-1988. He was asked to work on high electrical tower which was not the part of his duties. He was directed to climb on the tower. He continued to present himself daily for duty but he was not assigned any work for reasons best known to the management authorities. He has also deposed in his affidavit that enquiry was conducted against him on false grounds. He was not given proper opportunity to defend himself. The appointment of the enquiry officer

was not communicated to him. The opportunity to engage defence representative was also not afforded to him. Opportunity to cross-examine the witnesses was not given to him. The domestic enquiry was held against the principle of natural justice.

10. The witness of the management has deposed in his affidavit that the workman was transferred from T & C Sub Div. No. 2 Bhiwani to G. S. S. Sub Division No. 2 Beas Project Bhiwani vide order dated 10-6-1988. He was relieved from T & C Sub-Div. No. 2 on 10-6-1988 forenoon. The workman reported for duty to Shri P. Ashok Kumar SDO G.S.S Sub Divn. No.2 who allotted duties to the workman with Junior Engineer Shri S. D. Yadav. Junior Engineer S. D. Yadav, asked the workman to join other T. Mates in pulling the rope with the other T. Mates who were doing at that time. But the workman refused to pull the ropes by saying that he could not work in the sun light and then went away and never came back on duty after that. Therefore, the departmental enquiry was held against the misconduct of the workman. The enquiry officer was appointed and the enquiry was conducted properly and according to the Principle of Natural Justice.

11. The record of the enquiry has been produced in this case. The procedure relating to the enquiry has been laid down in Rule 20 of Certified Standing Orders. The charge sheet Ex. W3 was given to the workman for submitting his explanation for his alleged misconduct. The reply to charge sheet was given by the workman on 18-8-1988 which is Ex. W4. The copy of the appointment order of the enquiry officer was issued on 23-3-1989, the copy of which was given to the workman which is Ex. W5. The copy of the enquiry proceedings has been exhibited as Ex. M1. The enquiry officer was appointed by the management whose name was Syed Akhtar SDO T&C Sub Division No. 1, Bhiwani. As per rule 20 of certified standing orders there is no provision for giving list of documents and witnesses along with charge sheet. It has not been shown by the workman that non-supply of list of witnesses and documents has caused prejudice to him in his defence. The witnesses were examined in his presence. The opportunity to cross-examine the witnesses was also afforded to him. The workman has examined himself. He was asked to examine any witness in his defence but the workman refused to examine any witness in his defence. Under these circumstances, it can not be held that the enquiry was conducted in contravention of Rule 20 of Certified Standing Orders. It has been alleged that the report of the enquiry officer is perverse but this contention can not be accepted. The case of the management is that the workman refused to work on 10-6-1988. The workman has admitted in the cross-examination that he was not in a position to climb on the tower so he refused to work as directed by the

Junior Enginner S.D. Yadav. He has also admitted in his cross-examination that 2/3 other workmen were also working at the tower. He has also admitted that he had received charge sheet dated 18-8-1988 and replied the same. Under these circumstances, it can not be held that the finding of the enquiry officer is perverse or contrary to the facts relating to the alleged misconduct committed by the workman.

12. On persual of the facts placed before this Tribunal, the termination of the services of the workman w.e.f. 10-6-1988 has been found just fair and legal. Therefore, the workman is not entitled to get the relief of reinstatement and any other incidental benefits.

13. The workman has deposed that he filed an application before A.L.C. (C) Rohtak for getting his wages. But the false reply was submitted by the management so his application was dismissed. He has also deposed that he served demand notice dated 19-12-1988 regarding his non-employment. Prior to this he had also submitted representation dated 29-8-1988. But the copy of the demand notice has not been submitted in this case. It has been pleaded in the claim statement that the conciliation proceedings were pending before A.L.C. (C) Rohtak. During the pendency of that proceedings, he was dismissed by the management without seeking any approval for taking disciplinary action. But in this case, no record has been submitted by the workman, so, it can not be inferred as to whether the dismissal order was passed during the pendency of that proceedings without seeking any approval. Therefore, it can not be held that the management has violated the provisions of Section 33 of the I.D. Act.

14. The workman has not filed any complaint U/S 33-A of the I.D. Act 1947 to this Tribunal or Conciliation Officer concerned. In the case of Punjab Beverages (P) Ltd. Vs. Suresh Chand 1978 S.C.C. (L&S) 165, it has been held that "discharge or dismissal order does not become void on mere contravention of Section 33. The Tribunal has to examine under Section 33-A, the merits of the dismissal order considering all aspect of the case. In appropriate cases it is entitled to treat the breach of Section 33 as mere technical breach and sustained the dismissal order." Taking into consideration the law laid down in this case, the dismissal order passed by the Management can not be held to be void and illegal. Therefore, the objection taken by the workman with reference to Section 33 is of no consequence.

15. On considering the evidence adduced by the Parties in this case, this Tribunal comes to the conclusion that the termination of the services of the workman is just, fair and legal. Therefore, the reference is answered by holding that the action of the management of BMB in relation to their Supdt. Engineer Beas Project Jiwani (Haryana) in terminating the services of Ramesh Kumar T. Mate w.e.f. 10-6-1988 is just, fair

and legal. He is not entitled to get any relief from the management. Both the parties shall bear their own cost of these proceedings. Appropriate Govt. be informed.

Chandigarh

B. L. JATAV, Presiding Officer

3-8-2001

नई दिल्ली, 31 मार्च, 2004

का. आ. 1020.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन कार्पो. ऑफ इण्डिया लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद न.2 के पंचाट (संदर्भ संख्या 165/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-03-2004 को प्राप्त हुआ था।

[सं. एल-42012/3/98-आई.आर. (विविध)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 31st March, 2004

S.O. 1020.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 165/98) of the Central Government Industrial Tribunal/Labour Court Dhanbad No.2 now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Uranium Corp. of India Ltd. and their workmen, which was received by the Central Government on 31-03-2004.

[No. L-42012/3/98-IR (M)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial dispute under Section 10 (1) (d) of the I.D. Act, 1947.

REFERENCE NO. 165 OF 1998

PARTIES: Employers in relation to the management of Uranium Corporation of India Ltd. and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. P. R. Rakshit, Advocate.

State : Jharkhand : Industry : Uranium.

Dhanbad, the 9th March, 2004

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to

this Tribunal for adjudication vide their Order No. L-42012/3/98/IR(M) dated, the 18th June, 1998.

SCHEDULE

"Whether the action of the management of Uranium Corpn. of India Ltd., At/P.O. Jaduguda, in recovering Rs. 2400.34 from the Salary of Shri Amrendra Singh, A.S.I. as House rent and Electricity charges is justified? If not, to what relief the workman is entitled?"

2. The case of the concerned workman according to written statement submitted by the sponsoring Union on his behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workman was a permanent workman under the management at Jaduguda. They submitted that management allotted him a quarter bearing No. A/19/152 dt.... Uranium Corporation of India Ltd's House colony but at the time of taking possession of the same he found that the said allotted quarter had already been occupied by one Shyamlal, H.S.G. of Security Deptt. Accordingly he submitted representation to the management for cancellation of allotment order but to no effect. But simultaneously they assured not to recover house rent as well as electricity consumption charges from his salary. They alleged that the management did not issue any chargesheet against Shyamlal knowing fully well that unauthorised occupation of any quarter amounts to misconduct. They submitted that thereafter the concerned workman was transferred to MURP from Jaduguda and there management allotted quarter to him. It has been submitted by them that for consumption of electricity management arbitrarily deducted Rs. 2400-34 from his salary and still deducting excess electricity charges from his salary. Accordingly they submitted representation to the management for refund of excess money deducted from his salary towards payment of electricity charges. But management did not consider necessary to consider the claim in question and for which they compelled to raise an industrial dispute before the ALC(C) Chaibasa for conciliation which ultimately resulted reference to this Tribunal for adjudication.

In the circumstances sponsoring Union on behalf of the concerned workman submitted prayer to pass award directing the management to refund the deducted amount with interest.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the written statement on behalf of the concerned workman. They submitted that the concerned workman who is an A.S.I. and an employee under them was allotted a quarter bearing No. A/19/152 at UCIL House colony, Jaduguda Mines. They disclosed that after the said allotment the concerned workman took physical possession of

the same and started residing there with his family members. Subsequently, he sending his family member to his native village, let out the said quarter in favour of Shyamlal a security guard and, started residing there unauthorisedly. They submitted that Shyamlal in his letter dated 15-10-94 addressed to the management admitted the fact of subletting the said quarter to him by the concerned workman and started collecting rent and electricity charges from him. In the meantime the concerned workman was transferred to Musabani Uranium Recovery Plant at Musabani and there another quarter bearing No. BAF-32/12 was allotted to him vide allotment order No. UCIL/(8)/23/2832/91 dated 11-7-91. They submitted that the concerned workman though took possession of the said quarter neither vacated that quarter nor handed over its possession to the authority. Accordingly, occupation of that quarter was treated as unauthorised and a penal rent of Rs. 1210/- was recovered from his salary for the period from 1-11-91 to 28-2-92 as per existing rules of the corporation. They further submitted that as per the status of the concerned workman he was allotted quarter as BAF-32/12 at MURP at a monthly rent of Rs. 50.00 only but due to bonafide mistake rent @ 35/- P.M. was deducted from his salary. Accordingly, a difference of Rs. 25.00 per month accrued for the period August, 1993 to August, 94 to a sum of Rs. 325/- and the said difference of rent was recovered also from his salary. As the concerned workman did not pay electric consumption charges for the newly allotted quarter at Musabani for the period from October, 1993 to December, 1993, electricity charges @ Rs. 22.50 P.M. was deduced from his salary for the period in question. Management submitted that in all Rs. 2400.34 P. was recovered from the salary of the concerned workman as penal rent, difference of house rent, and non-payment of electricity charges. It is the contention of the management that they did not commit any illegality in deducting a sum of Rs. 2400.34 P. from the salary of the concerned workman. Accordingly, they submitted prayer to pass award rejecting the claim of the concerned workman.

4. POINTS TO BE DECIDED

"Whether the action of the management of Uranium Corporation of India Ltd., at/P.O. Jadugoda, in recovering Rs. 2400.34 from the salary of Shri Amrendra Singh, A.S.I. as House Rent and Electricity Charges is justified? If not, to what relief the workman is entitled?"

FINDING WITH REASONS

5. It transpired from the record that in spite of getting ample opportunity the sponsoring Union did not consider necessary to adduce evidence with a view to substantiate the claim of the concerned workman. Management on the contrary in support of their claim examined one witness as MW-1.

6. Considering the evidence of MW-1 and also considering the facts disclosed in the pleadings of both sides I find no dispute to hold that the concerned workman as A.S. I was posted at Jadugoda. It is admitted fact that the management allotted a quarter bearing No. A/19/152 at UCIL Housing colony to the concerned workman while he was posted at Jadugoda. It is also admitted fact that while the concerned workman was transferred at Musaboni Uranium Recovery Plant at Musaboni management further allotted a quarter according to his status vide Order No. UCIL/(8)/23/2832/91 dt. 11-7-91. It is the contention of the management that inspite of getting his quarter at Musaboni the concerned workman neither vacated his flat at Jadugoda nor handed over its possession to them. It has been alleged by the management that the concerned workman after getting possession of his quarter at Jadugoda sublet the same to one Shyamlal, a security Guard without prior intimation and sanction from the management and started collecting rent and electricity charges from him. In support of the claim management relied on the letter written by Shyamlal which during evidence of MW-1 was marked as Ext. M--1. From this letter I find corroboration of the fact about getting possession of the quarter bearing No. A/19/152 from the concerned workman and payment of rent and electricity charges to him.

7. On the contrary from the facts disclosed in the written statement submitted by the sponsoring union it is revealed that the management though allotted the said quarter concerned workman did not get its possession as one Mr. Shyamlal was found in possession of the same. It has been submitted further that the concerned workman thereafter submitted a representation to the management for cancellation of the said flat. During hearing inspite of getting scope the concerned workman did not consider necessary to submit its copy with a view to establish the veracity of his claim. Moreover, if the claim of the concerned workman as per written statement is taken into consideration there was no reason to submit any representation for cancellation of the quarter particularly when according to him he at all did not get any scope to get its possession. There was no reason also on the part of the management to deduct house rent for the said quarter from his salary directly. No evidence also is forthcoming on the part of the concerned workman that the letter which Shyamlal gave to the management about getting possession of the quarter in question from him was false and motivated. Accordingly, considering all aspects there is sufficient reason to hold that not only the concerned workman got possession of the quarter in question but also he sublet the same to Shyamlal without the knowledge and consent of the management.

8. It is the contention of the sponsoring Union that the management illegally and arbitrarily deducted a sum of

Rs. 2400. 34 P. from the salary of the concerned workman towards electricity charges for the newly allotted quarter at Musaboni. They alleged that not only the said amount was deducted but also the management still deducting excess electricity charges from his salary. On the contrary from the contention of the management I find a quite different picture which bears no conformity with the submission of the concerned workman.

9. They disclosed that from the salary bill of the concerned workman a sum of Rs. 1210.00 was deducted as penal rent for the period from 1-11-91 to 28-2-92 as he sublet the quarter bearing No. A/19/152 allotted to him in favour of Shyamlal. They further disclosed that a sum of Rs. 325/- was deducted for adjustment of house rent in respect of quarter No. BA/32/12 at MURP. They submitted that actual rent of the said quarter was Rs. 60/- per month but due to inadvertant mistake rent for the period from August, 1993 to August, 1994 was deducted at the rate of Rs. 35/- per month instead of Rs. 60.00 P.M.

10. On the contrary claim of the concerned workman is that the management arbitrarily deducted a sum of Rs. 2400.34P towards consumption of electricity for the quarter bearing No. BAF-32/12. In support of this claim the concerned workman has failed to produce any cogent paper. MW-1 during his evidence disclosed categorically that for default in payment of electricity consumption charges for his quarter at Musaboni for the period from October, 1994 to December, 1993 electricity consumption charges was deducted @ Rs. 22.50 P. i.e. for three months they have deducted a sum of Rs. 67.50P. and not Rs. 2400.34P. He further disclosed that from the salary of the concerned workman a sum of Rs. 1557.50P. in all was deducted in respect of different account which has already been explained and not Rs. 2400.34P.

In view of the facts and circumstances discussed the concerned workman cannot exonerate his responsibility to establish his claim that management arbitrarily deducted money amounting to Rs. 2400.34P. from his salary. Facts disclosed in the pleading cannot be considered as substantive piece of evidence until and unless it is supported by cogent oral or documentary evidence. Concerned workman in order to substantiate his claim did not consider necessary to adduce any evidence. Accordingly, just relying on the facts disclosed in the written statement I find no scope to accept its authenticity particularly when management by adducing cogent evidence established their claim. In view of the facts and circumstances discussed above I find no scope to say that Management deducted the required money from his salary, illegally, arbitrarily and violating the principle of natural justice and for which the concerned workman is not entitled to get any relief in view of his prayer.

In the result, the following award is rendered:—

“The action of the management of Uranium Corp. of India Ltd, At/P.O Jadugoda, in recovering Rs. 2400.34P from the salary of Shri Amrendra Singh, A.S.I. as House Rent and Electricity Charges is justified. Consequently, the concerned workman is not entitled to get any relief.

B. BISWAS, Presiding Officer

नई दिल्ली, 31 मार्च, 2004

का. आ. 1021.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भवानथपुर लाईम स्टोन ऑफ सेल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, पटना के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 31-03-2004 को प्राप्त हुआ था।

[सं. एल-29011/11/2002-आई.आर. (विविध)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 31st March, 2004

S.O. 1021.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Industrial Tribunal, Patna as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhawanathpur Lime Stone of SAIL and their workman, which was received by the Central Government on 31-03-2004.

[No. L-29011/11/2002-IR (Misc.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference No. 22C of 2003.

Management of Raw Material Division, 10th Came Street, Kolkata- 700017 and their workmen represented by the General Secretary, RMD, Rashtriya Shramik Sangh Qr. No. 399/D, Bhawanathpur Township, Garhwa. For the Management : Shri P.C Tiwari, Sr. Manager. (P&A).

For The Workmen : None.

PRESENT : Priya Saran, Presiding Officer, Industrial Tribunal, Patna.

AWARD

The 15th day of March, 2004.

By the adjudication order no. L-29011/11/2002-IR(M) dated 24-01-2003 the Government of India, Ministry of Labour, New Delhi has referred, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (herein after to be referred to as the Act), the following dispute between the management of Raw Material Division 10th Camac Street, Calcutta and their workmen for adjudication to this Tribunal :—

“Whether the action of the management of Bhawanathpur Lime Stone of SAIL in not

regularising the contract labourers engaged by the contractors is justified ? If not, to what relief the workmen are entitled ?”

2. It may be noted at the outset that inspite of service of notice sent to the union espousing the dispute none has appeared in this case nor any written statement has been filed on their behalf supporting their claim. The management on the other hand appeared and filed written statement briefly attacking the reference on the ground that there is no relationship between the parties as of “Master and Servant” and concerned contract labourers are not “Workmen” within the meaning of Sec. 2(s) of the Industrial Disputes Act, and there can not be any “Industrial dispute” as well within the meaning of Section 2(j) of the said Act.

3. It is reflected from the Schedule of the reference itself that the concerned contract labourers had been engaged by the contractors working for Bhawanathpur Lime Stone Mines of SAIL. It thus indicates from the Scheduled itself and also the written statement filed by the management that concerned contract labourers were engaged by the contractors for whom they worked, but are claiming their regularisation by the management of Bhawanathpur Lime Stone Mines. It has been categorically settled by the Hon'ble Supreme Court in Steel Authority of India Ltd. and others Vs. National Union Water Front Workers & Others (AIR-2001-SC 3527) that engagement of contract labourers by the contractor does not create relationship of Master and Servant between the principal employer and the contractors labour. It can not be said that by virtue of engagement of contract labour by the contractor in connection with the work of an establishment, the relationship of Master and Servant is created between the principal employer and the contract labour. The contract labourers on whose behalf the present dispute has been raised are by no means “workmen” within the meaning of Sec. 2(s) of the Act and consequently no “industrial dispute” can be there as required under the Act. The workers thus do not have any rightful claim for regularisation.

4. In view of discussion aforesaid and materials on record I am of the opinion that the contract labourers engaged by the contractors are not having any “Master-Servant” relationship with the management of Bhawanathpur Lime Stone Mines of SAIL. Likewise, dispute under present reference is not covered u/s 2(j) of the Industrial Disputes Act. The contract labourers accordingly cannot claim any sort of regularisation as claimed by them. The present reference is answered in terms aforesaid.

5. Award Accordingly.

PRIYA SARAN, Presiding Officer.

नई दिल्ली, 1 अप्रैल, 2004

का. आ. 1022.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 66/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-04-2004 को प्राप्त हुआ था।

[सं. एल-12025/15/2002-आई.आर. (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 1st April, 2004

S.O. 1022.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 66/2003) of the Central Government Industrial-Tribunal-cum-Labour Court, Lucknow as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of United Bank of India and their workman, which was received by the Central Government on 01-04-2004.

[No. L-12025/15/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT LUCKNOW

PRESENT:

Shrikant Shukla, Presiding Officer

I.D. NO : 66/2003 (Kanpur No. 48/2000)

BETWEEN

B.K. Shukla, Clerk, United Bank of India
H. No. 128/301/K-Block, Kidwai Nagar, Kanpur

AND

1. Chief Regional Manager, United Bank of India, 4-B, Habibullah Estate, Hazratganj, Lucknow
2. Chief Manager, United Bank of India, 4-B, Habibullah Estate, Hazratganj, Lucknow
3. General Manager (Personnel), United Bank of India 16, Old Court, House Street, Kolkata-700 001
4. Chairman-cum-Managing Director, United Bank of India 16, Old Court, House Street, Kolkata-700001

AWARD

The applicant B.K. Shukla, Clerk, United Bank of India, Kanpur has moved application under section 33A

of I.D. Act, 1947 which was admitted by the CGIT-cum-Labour Court, Kanpur on 16-6-2000 against Chief Manager, United Bank of India, Hazratganj, Lucknow, Chief Regional Manager, United Bank of India, Lucknow, General Manager (Personnel), United Bank of India, Kolkata and Chairman-cum-Managing Director, United Bank of India, Kolkata praying reinstatement with full back wages, continuity of service and other related benefits etc.

The complainant case is that he is President of United Bank of India Sramik Karmchari Samity. The union's registration No. 12849 and is registered under Trade Union Act, 1927. The union is affiliated to National Confederation of Bank Employees (NCBE) and complainant holds the post of Joint Secretary. The matter related to industrial relation, dispute, conflicts between the workman and the management of United Bank of India dealt by the complainant within the provision of I.D. Act for its resolution. The management of United Bank of India developed vindictive attitude against the complainant because from time to time the industrial dispute of general and individual nature were/are being raised by the complainant. The complainants filed various cases regarding violation of provisions of I.D. Act before the authorities of the Ministry of Labour and a few cases are as under :

1. Two complaints under section 29 of I.D. Act, 1947 filed on 22-9-99 and 28-8-99 by the Ministry of Labour, Govt. of India through Labour Enforcement Officer (C) and the same are pending before the Chief Metropolitan Magistrate, Kanpur. The prosecutions were filed only on the persuasion and constant representation/complaints made by the complainant to the Ministry of Labour.
2. A defamation suit under section 499/500 was filed by the complainant against the Chief Regional Manager (Sh. A.R. Gupta) and it is pending before the Chief Metropolitan Magistrate (V) Kanpur, Case No. 1069/98.
3. For non-compliance of the direction/order of the Hon'ble High Court of Allahabad, the contempt application before the Hon'ble High Court against the Chief Regional Manager, United Bank of India, Lucknow. High Court case No. 3388 of 1999 of 29-9-99.
4. Legal action by way of prosecution against the management of the United Bank of India was initiated by the Ministry of Labour, Govt. of India, created bad taste and unpleasant environment among management. The management was helpless as they are prone to operate/function without following the mandatory provisions in their day-to-day functioning. The management observed that the complainant is the root cause for reporting/complaint to the Ministry of Labour of their (management's)

illegal actions and contravention of the Labour Laws. Number of complaints/representations and industrial disputes have been raised by the complainant.

5. The managerial officers are habitual defaulter and have scant regard for statutory provisions.

In the circumstances therefore, the management designed/hatched plan to cause economic injury to complainant without delay and thereafter manipulated the situation in such a way so that the applicant is terminated from the service of the Bank. They implemented their planned action ignoring all legal obligation and provisions of the Industrial Disputes Act, 1947. The management of the United Bank of India planned to deprive the applicant from higher wage carrying post in a well designed conspiracy and used the weapon of the transfer as a result the service conditions of the applicant is changed in contravention to section 9-A and section 33 of the I.D. Act, 1947. The facts narrated in the application are as under :

1. The Chief Manager, Punjab National Bank, Kanpur is made MICR Centre Incharge by the Reserve Bank of India, Kanpur with the duty to provide short duration training for the post of Encoder Operator as per direction of Reserve Bank of India. The Chief Manager, Punjab National Bank asked the UBI management in January, 1998 to nominate their candidate for training in MICR based clearing which is new device for better service as per the procedure of Reserve Bank of India, Kanpur. The United Bank of India management avoided to send the name of eligible candidate and the Chief Manager, Punjab National Bank continued to give reminders to the Bank. The complainant as being the senior most clerk was the only eligible employee for the Encoder Operator as per management policy circular dated 27-5-98. The management of the United Bank of India with a view to eliminate the applicant did not care to follow the written request and reminder of Chief Manager, Punjab National Bank. The management instead of sending name for Encoder Operator training for a week or so struck off applicant name from the rolls of branch on 30-6-98 (AN) so that the applicant should not get this post. The Bank devised ways to take the work of Encoder Operator from certain employees by way of temporary arrangement and very junior persons enjoyed the benefit. Due to striking off the name of the applicant and transferring him to Harsh Nagar Branch the applicant's seniority, which is, branch wise became inoperative. At no other branch of the Bank the post of Encoder Operator exist. Had the applicant was not asked to move from Birhana Road Branch he would have got the post of Encoder Operator as per eligibility norms prescribed in the circular dated 27-5-98.

2. The complainant is a graduate and acquired more than 30 years experience in the banking work. The post of 'Teller Operator' exist only in Kanpur branch of the Bank out of 5 branches of United Bank of India at Kanpur. The post of Teller Operator was falling vacant in and around middle of the year 1998. The post of Teller Operator is allowance carrying post which is wage and meant for the senior most clerk of the branch. The main criteria is seniority in the branch where the post exist. Applicant was entitled for the post as he fulfilled the requirements laid down in the circular No. PD/IR/26/GM dated 5-7-90, but management were adamant to cause economic injury and therefore, struck off the name of applicant on 30-6-99 (AN) from the muster roll to move on transfer from Kanpur branch to Harsh Nagar branch, having no post of Teller Operator. It resulted that the applicant was deprived from the promotional post of Teller Operator and his very junior in main branch was given this post by the management. It has adversely affected the seniority rating of the complainant and on the other hand it also provided a jolt to the membership of union as complainant is the President of United Bank of India Shramik Karmchhari Samity and has been playing a major role as trade union executive since long. The entire action of the respondents, related to Encoder Operator as well as Teller Operator is malafied and illegal. They violated section 33 of Industrial Disputes Act.

The complainant has alleged that he has along history of raising industrial disputes making genuine complaints for non-implementation of awards and settlement. Complainant alleges that it is mandatory to seek written permission from Conciliation Officer before making any alteration or change in service condition of a workman as per section 33 (1)(a) of the Industrial Disputes Act, 1947. It is alleged that the Bank management during the pendency of conciliation proceedings before Regional Labour Commissioner (C) on 14 points of charter of demands including rotational transfer policy (demand No. 3), with malafied intention and illegal manner passed the transfer order in spite of service of strike notice without obtaining written permission and when the complainant went to attend the duty at Birhana Road branch as usual he noted that his name has been stuck off from the muster rolls. Therefore, the union submitted letter dated 1-7-98 to Assistant Labour Commissioner (C), Kanpur for his orders. Thus, the complainant became victim of prejudices and bias of the Bank management. Due to silence and negative attitude of Assistant Labour Commissioner (C), the complainant filed Writ Petition before High Court, Allahabad.

In compliance of the direction of the Hon'ble High Court, the Assistant Labour Commissioner (C), Kanpur passed order dated 14-2-2000. The order of Assistant

Labour Commissioner (C)'s order dated 14-2-2000 is as follows :

"However, since the Hon'ble High Court, Allahabad vide orders dated 29-9-1999 has directed the Asstt. Labour commissioner (C), Kanpur to decide your representation dated 1-7-1998 (Annexure-6 of Petition), I suggest you to approach your management for redressal of our grievance, since your relieving from the existing bank to joint at New branch is still disputed by you and join duty immediately.

The Bank Management is also being requested to consider your case sympathetically keeping your old age etc.

In view of the above your representation dated 1-7-1998 stands finally disposed of as per directions of Hon'ble High Court, Allahabad."

The complainant went to join at Harsh Nagar branch of the Bank on 9-3-2000 but the management did not permit him to join.

The Government has referred the dispute vide order No. L-1201136/99/IR-D-II dated 16-8-99 to the tribunal for adjudication which is pending court file No. 260/1999. The Bank violated the provisions of Section 33 and passed the order without seeking statutory permission and thus the removal order of complainant from service is unjust, unfair and illegal. Complainant's allegation is that because of his union activities he has been dismissed. Complainant has alleged that he was transferred to Harsh Nagar branch so that he surrenders to the Bank management.

The order to the complainant to join at Harsh Nagar branch w.e.f. 1-7-98 establishes beyond doubt that somehow he (worker) should not become eligible for the post of Teller Operator and therefore, all steps were taken so that he faces economic injury.

It has been stated that on 29-6-98 the union gave notice under section 22 of the I.D. Act over 10 points charter of demand notice to which was issued by Assistant Labour Commissioner (C), Kanpur which was served on the management on the same day. One of the vital demand was regarding payment of overtime wages. During the conciliation proceedings the Bank did not seek approval of Assistant Labour Commissioner (C) in respect of change of service as well as removal from service.

It is alleged that the claim of Teller Operator and Encoder Operator is still pending. The complainant has also challenged the enquiry proceeding and has prayed that he should be reinstated with full back wages, continuity in service and other related benefits.

The worker has filed following documents along with his application :

1. Photostat copy of circular by G.M. (Personnel) annexure to the all branches dated 27.5.99

regarding the procedure for selection of Computer Operator/Data Entry Operator/Encoder Operator.

2. Photostat copy of circular dated 5.7.90 regarding teller system Annexure-2.
3. Photostat copy of letter of B.K. Shukla, Joint Secretary addressed to Chief Labour Commissioner (Central), New Delhi regarding industrial dispute dated 2.8.97 (14 demand) Annexure-3.
4. Photostat copy of notice of Regional Labour Commissioner to the Chairman-cum-Managing Director of Bank regarding conciliation proceedings to be held on 24.9.97, annexure-4.
5. Photostat copy of strike notice of union addressed to Regional Labour Commissioner dated 13.2.98, annexure-5.
6. Photostat copy of strike notice of union addressed to Regional Labour Commissioner dated 11.2.98, annexure 5A.
7. Photostat copy of application by the union to Assistant Labour Commissioner (C), Kanpur dated 11.2.98 regarding violation of transfer guidelines and requesting that the matter be conciliated paper No. 1/98 & 1/99.
8. Photostat copy of application dated 1.7.98 of the worker, B.K. Shukla addressed to Assistant Labour Commissioner copy to Chief Regional Manager, Lucknow of the Bank regarding striking of the name from the attendance register, paper No. 1/100, annexure 6.
9. Photostat copy of notice of Assistant Labour Commissioner (C) to the Bank management about conciliation proceedings on 6.7.98.
10. Photostat copy of letter of Assistant Labour Commissioner addressed to Govt. of India dated 29.6.98, regarding strike notice of the union regarding transfer of B.K. Shukla and others informing that Assistant Labour Commissioner suggested that the worker, B.K. Shukla and others be not transferred but conciliation proceedings failed. Annexure-7.
11. Photostat copy of notice dated 29.6.98 addressed to the Bank management regarding conciliation proceedings to be held on 6.7.98, by Assistant Labour Commissioner, annexure 9.
12. Photostat copy of orders of Assistant Labour Commissioner (C), Kanpur for complying provisions of section 20(b) of the I.D. Act dated 26.6.98. Annexure-10.

13. Photostat copy of letter of union dated 7.6.99 regarding strike on 9.7.99, addressed to the Bank management and copy endorsed to the Regional Labour Commissioner (C), Chief Labour Commissioner (C) and the Government.
14. Photostat copy of notice of conciliation proceedings on 12.6.99 addressed to the management of the Bank. Annexure-12.
15. Photostat copy of letter of union addressed to Assistant Labour Commissioner (C), Kanpur regarding industrial dispute for denial of post of 'Teller Operator' to the bonafied workman. Letter dated 8.11.98. Annexure-13.
16. Photostat copy of notice about conciliation proceedings regarding 'Teller Operator' to be held on 11.1.99, paper No. 1/112.
17. Photostat copy of letter of union dated 8-11-98 of union addressed to the Assistant Labour Commissioner regarding 'MICR Operator'. Annexure-14.
18. Photostat copy of notice of Assistant Labour Commissioner on the above subject regarding conciliation proceedings to be held on 11.1.99 addressed to management of the Bank, paper No. 1/114.
19. Photostat copy of letter of Assistant Labour Commissioner (C) dated 31.1.2000 to the Government of India regarding failure of conciliation proceedings. Annexure-15.
20. Photostat copy of letter of Assistant Labour Commissioner (C), Kanpur dated 25.2.99 to the Govt. about failure of conciliation. Annexure-16.
21. Photostat copy of complaint application u/s 33 A of I.D. Act addressed to Regional Labour Commissioner/Assistant Labour Commissioner Kanpur. Annexure 17 & 18A.
22. Photostat copy of order of High Court dated 29.9.1999 passed in Writ Petition B.K. Shukla Vs Union of India and another regarding disposal of petitioner's representation dated 1.7.98 within 3 months by Assistant Labour Commissioner (C), Kanpur, paper No. 1/121.
23. Photostat copy of letter of Assistant Labour Commissioner (C) addressed to the worker B.K. Shukla dated 11.11.99 regarding submission of FOC to the Govt. Annexure 18B.
24. Photostat copy of letter dated 27.11.98 addressed to Assistant Labour Commissioner (C), Kanpur for reconsideration of the case. Annexure-19.
25. Photostat copy of legal notice to the Bank management and Assistant Labour Commissioner on behalf of workman dated 20.12.99 regarding keeping the departmental proceedings in abeyance till the matter is finally decided by the Assistant Labour Commissioner (C), Annexure-20.
26. Photostat copy of order of Assistant Labour Commissioner (C) dated 14.2.2002 to the worker B.K. Shukla to join duty immediately and also requesting the Bank management to consider the case of workman sympathetically keeping his old age etc. Annexure-21.
27. Photostat copy of application of the worker B.K. Shukla addressed to Branch Manager of the Bank on 9.3.2000. Annexure-22.
28. Photostat copy of letter of Dy. Regional Manager (Administration) addressed to B.K. Shukla dated 25.7.98 regarding immediate joining at Harsh Nagar branch. Annexure-23.
29. Photostat copy of show cause notice dated 15.1.99 regarding absence issued by the Bank management to the worker B.K. Shukla. Annexure-25.
30. Photostat copy of letter of management for non-drawal of salary of B.K. Shukla addressed to the workman dated 28.7.98. Annexure-24.
31. Photostat copy of application of the worker B.K. Shukla to the Chief Manager dated 8.2.99. Annexure-25A.
32. Photostat copy of letter dated 9.3.99 regarding appointment of enquiry officer in the matter of charge sheet No. CR/CRM/ADMN/BKS/4070/98 dated 15.1.99. Annexure-26.
33. Photostat copy of application of worker B.K. Shukla addressed to Enquiry Officer regarding assistance defence representative Sh. V.K. Gupta, Joint Secretary. Annexure 27.
34. Photostat copy of letter of the workman in the capacity of the President of the union & Joint secretary of NCBF regarding the assistance of Sh. V.K. Gupta addressed to General Secretary NCBF dated 21.3.99. Annexure 27A.
35. Photostat copy of letter of Enquiry Officer written to the workman dated 3.4.99 seeking copy of letter. Annexure 28.
36. Photostat copy of letter dated 10.4.99 of Enquiry Officer to B.K. Shukla fixing date of enquiry on 17.4.99. Annexure 28A.

37. Photostat copy of letter of Rabindra Prasad, defence representative dated 2.3.99 to Enquiry Officer seeking adjournment. Annexure-29A.
 38. Photostat copy of letter of Enquiry Office to defence representative advising him to attend on day-to-day basis, paper No. 1/139.
 39. Photostat copy of appeal of the workman B.K. Shukla dated 1.4.99 addressed to Chief Regional Manager. Annexure-30.
 40. Photostat copy of order of the Hon'ble Court dated 16.6.99 in writ Petition B.K. Shukla Vs Assistant Labour Commissioner (C) and another directing Chief Regional Manager of the Bank to decide the appeal in 2 months by speaking order, paper No. 1/144.
 41. Photostat copy of application dated 16.7.9 of the workman addressed to the Chief Regional Manager for deciding the appeal. Annexure-31A.
 42. Photostat copy of letter dated 7.12.99 for appearance of Shri Ashok Agarwal on 8.12.99. Annexure-32.
 43. Photostat copy of letter dated 4.11.99 of Enquiry Officer regarding fixation of date and time of hearing. Annexure-34A.
 44. Photostat copy of enquiry proceedings dated 4.11.99, paper No. 1/149, 1/150.
 45. Photostat copy of letter dated 11.11.99 to Enquiry Officer regarding adjournment, paper No. 1/151.
 46. Photostat copy of letter of the worker, B.K. Shukla dated 16.1.2000 addressed to Enquiry Officer seeking relief of sick leave sanction and asking for date of enquiry proceedings. Annexure-35.
 47. Photostat copy of application of workman dated 16.1.2000 to the Enquiry Officer regarding departmental proceeded ex-parte. Annexure-36.
 48. Photostat copy of application dated 12.1.2000 addressed to Chief Regional Manager regarding medical expenses. Annexure-37.
 49. Photostat copy of application dated 14.3.2000 to Chief Manager Bank regarding personal hearing fixed on 18.3.2000 adjournment on medical ground. Annexure-39.
 50. Photostat copy of appeal of the worker under para 10 of Bipartite Settlement to Chief Regional Manager and Appellate Authority. Annexure-40.
 51. Photostat copy of letter dated 24.12.99 to Enquiry Officer dated 24.12.99 regarding worker's ill health with medical certification. Annexure-41, 41A.
 52. Photostat copy of letter of workman to Chairman and Managing Director Bank dated 25.2.2000 putting quarries. Annexure-42.
 53. Photostat copy of show causes notice to the worker dated 21.2.2000 on the submission of enquiry report dated 15.2.2000. Annexure-43.
 54. Photostat copy of enquiry report dated 15.2.2000. Annexure 43, paper No. 1/164 to 1169.
- Worker has also filed following documents with affidavit of 26.3.2001.
1. Union's strike notice dated 28.6.98 to Assistant Labour Commissioner (C), Kanpur with prescribed letter 26.6.98, resolution 28.6.98, paper No. 4/14 to 4/19. Annexure-I.
 2. Letter dated 7.6.88 of the Govt. of India addressed to Chief Executive of Public Sector Bank on Periodic Transfers with the letter of 12.3.85. Annexure 2 & 2A.
 3. Letter of Govt. of India dated 22.2.95 regarding transfers. Annexure-3.
 4. Bank's circular on rotational manner dated 21.11.88. Annexure-4.
 5. Complaint application u/s 33A to Regional Labour Commissioner/Assistant Labour Commissioner (C), Kanpur. Annexure-5.
 6. Conciliation notice dated 13.2.99 regarding illegal rotational transfers. Annexure-6.
 7. Notice of Chairman-cum-Managing Director dated 28.12.98 nominating General Manager of the Bank as disciplinary authority with the order of General Manager dated 20.1.99 & annexure. Annexure-7.
 8. Letter of the workman addressed to Assistant Labour Commissioner (C) dated 1.7.98 regarding striking off the name of the workman from the register. Annexure-8.
 9. Order of the Hon'ble High Court dated 29.9.99 for disposing of the representation dated 1.7.98. Annexure-9.
 10. Letter of Assistant Labour Commissioner (C), Kanpur to the workman dated 14.2.2000. Annexure-10.
 11. Letter of Assistant Labour Commissioner (C), Kanpur dated 11.6.99 addressed to the management regarding conciliation over charter of demand of union. Annexure-11.
 12. Letter of the workman addressed to Assistant Labour Commissioner (C), Kanpur regarding adjournment. Annexure-12.

The workman has also filed following Photostat documents :

1. Letter dated 21-3-2000 of the management addressed to B.K. Shukla regarding confirmation of punishment of removal from service with superannuation benefits.
2. Letter dated 21-3-2000 of management addressed to Sh. Shukla.
3. Letter of Chief Regional Manager dated 16-3-2000 regarding the representation of the worker dated 14-3-2000.
4. Copy of appeal dated 14-3-2000 addressed to Chief Regional Manager.
5. Copy of Hon'ble High Court's order dated 16-6-99 for disposal appeal in 2 months by Chief Regional Manager.
6. Application for personal hearing on 18-3-2000.
7. Forwarding letter of the manager of the Bank dated 13-3-2000 with forwarding letter with letter dated 11-3-2000 regarding oral or written submission on 18-3-2000.
8. Letter of Chief Regional Manager to the worker with regard to the petition of the worker dated 1-7-98 and the order of the Assistant Labour Commissioner dated 14-2-2000.
9. Letter of Chief Manager/Disciplinary Authority dated 9-3-2000 regarding amendment in letter No. CR/CM/ADMN/BKS/882/2000 dated 6-3-2000.
10. Receipt of closed envelop dated 9-3-2000.
11. Confidential letter of Disciplinary Authority dated 6-3-2000 regarding submission on the point of punishment.
12. Letter of the workman dated 3-3-2000 seeking 15 days time for making representation on the report of enquiry.
13. 2 pages of enquiry proceedings dated 9-2-2000.
14. Notice of Assistant Labour Commissioner (C), Kanpur dated 11-1-2000 addressed to Chief Regional Manager fixing date of enquiry on 28-1-2000 in terms of the orders of Hon'ble High Court dated 29-9-99.
15. Letter of Assistant Labour Commissioner (C) dated 30-12-99 asking copy of letter dated 1-7-98 from the worker.
16. Letter of the Manager addressed to Nand Kishore, Clerk regarding appearance as witness, but no expenses shall be borne by the Bank, dated 11-10-99.
17. Letter of the Govt. dated 27-10-99 addressed to the Bank and the Regional Joint Secretary (union) informing them that the demand No. 9 raised by the union has been referred for adjudication vide order No. L-12011/36/99-IR(II) dated 16-8-99 regarding demand No. 4 to 8 & 10 it was desired that they relate to policy matters could be taken up with the management at apex level.
18. Letter dated 25-2-99 of Assistant Labour Commissioner (C) dated 25-2-99 about failure report of 10 points charter of demand.
19. Note sheet dated 6-1-99.
20. Copy of rotational transfers submitted by Chief Regional Manager.
21. Letter of Chief Manager/Disciplinary Authority dated 6-5-99 addressed to Sh. Ram Bux Singh regarding confirmation of punishment.
22. Letter of Disciplinary Authority of the Bank dated 16-3-99 addressed to Ramesh Prasad regarding written submissions.
23. Letter of Disciplinary Authority to Ram Bux Singh dated 6-2-99, calling for explanation.
24. Letter of Chief Manager dated 17-7-98 addressed to Ram Bux Singh regarding his leave.
25. Letters of Chief Manager dated 16/20-10-97 addressed to Jaialal Ahir,
26. Enquiry Proceedings.

Opposite party has filed written statement and preliminary objection stating therein that there is no proceedings pending before this court between the employers in relation to the management of Bank and their workmen so as to entitle the applicant to make the instant application. The counter allegation is that in the guise of the application, the worker has tried to raise industrial dispute without taking recourse to conciliation proceedings with respect to justification or otherwise of the issue of his removal from service. The Bank management has denied that they developed vindictive attitude against the workman. Regarding filing of complaint, the Bank management has stated that complaint case No. 5970 of 1999 Labour Enforcement Officer Vs. P.K. Ghosh & another & complaint case No. 7181 of 1999 Labour Enforcement Officer Vs. A. K. Banerji are stayed by the Hon'ble High Court. Regarding filing of defamation suit the Bank management has stated that the same was filed to put unnecessary pressure on the management to withdraw notice served on the worker and not to issue rotational transfer order. It is mentioned that complaint case No. 1069/1998 B.K. Shukla Vs. Anand Ram Gupta u/s 499/500 IPC has been stayed by the Hon'ble High Court.

The Bank management has admitted the filing of Writ Petition No. 2491/1999 B.K. Shukla Vs. Asst. Labour Commissioner (C), Kanpur and passing of order by the Hon'ble High Court dated 16-6-99. Filing of contempt application case No. 3388/99 is admitted at the same time it is also stated that the same was dismissed also on 24 November, 1999. It is further stated that the Bank's management had never possessed any revengeful attitude against the worker.

Replying to the allegations in case of 'Encoder Operator' or 'Teller Operator', the Bank management has stated that the concerned worker was never interested in taking higher responsibilities attracting higher functional allowance throughout his carrier of service. Issue for selection of functional post of Teller Operator or Encoder Operator has been raised by the worker unnecessarily carrying nominal allowance of Rs. 227/- and Rs. 245/- per month respectively as against the post of Special Assistant which carries allowances of Rs. 629/- per month in the year 1998 and selection process completed in July 1998, but the failed to appear for simple reason that he might be transferred to some other branch if selected. The selection for the post of Encoder Operator at Kanpur branch has been made recently in May 2000. Rotational transfers have no room for pick and choose, as has been alleged by the workman. Rotational transfer of staff from Kanpur branch to Harsh Nagar branch within the same city cannot be subject-matter of industrial dispute, since the Bank has right to transfer an employee and such transfer is an ordinary incident of service, therefore, transfer of an employee, in case of protected workman, cannot be subject-matter of industrial dispute within the meaning of Section 2K and provision of Section 33 of Industrial Dispute Act in as much as such transfer does not result in any kind of change of service condition as any sort of punishment. It is mentioned that the Trade Union, United Bank of India Shramik Karmchari samity has filed a Writ Petition No. 40585/1997 before the Hon'ble High Court, Allahabad challenging all transfers of 72 workman and the said Writ is pending for disposal. Applicant was never prevented from joining his transfer place of posting at Harsh Nagar branch rather he was advised to report for duty by Bank through letters and also through Assistant Labour Commissioner (C), Kanpur during conciliation proceedings.

Replying to the allegation contained in para 77 of the application the Bank management has stated, that the allegations are wrong and denied. Worker has stated in para 77 of the application that the strike notice of 5 points charter of demand was given, strike notice was received in Regional Labour Commissioner (C) Office at Kanpur on 10-6-99 and the conciliation proceedings are still continuing at Assistant Labour Commissioner (Dehradun) and operation of Section 33 is very much ali, whereas the Bank Management has submitted in the written statement that the reference has already been dropped by Assistant

Labour Commissioner (Dehradun) treating them as not maintainable and there was no necessity for seeking any approval for the issue which do not come within the ambit of the Act. All the disputes raised by trade union have ended in failure and the said reports submitted to the Ministry none of the matter was found fit for reference. It has been denied that the Bank management was mandatory obligation to seek express permission u/s. 33 of the Industrial disputes Act, while terminating the service of the applicant. It is further submitted that the worker was protected workman.

Bank management has filed following copies of documents along with the written statement.

1. Order of the Hon'ble High Court, Allahabad dated 1-2-2000 passed in case No. 5613/99 P.K. Ghosh Vs. State of U.P regarding stay extension.
2. Order of the Hon'ble High Court, Allahabad dated 15-9-99 case No. 3869/1998 Anand Ram Gupta Vs. State of U.P. regarding stay of proceeding.
3. Copy of Civil Misc. Application B.K. Shukla, Vs A.K. Banerjee with affidavit of Sh. A.K. Banerjee.
4. Letter of Chief Regional Manager dated 4-8-99 addressed to B.K. Shukla along with the copy of order dated 4-8-99.
5. Order of the Hon'ble High Court, Allahabad dated 29-9-99 in contempt No. 3388/1999 B.K. Shukla Vs. A.K. Banerjee regarding testing of the case on 26-10-99.
6. Order of the Hon'ble High Court, Allahabad dated 24-11-99 in contempt No. 3388/99 regarding dismissal of the application due to absence of the applicant.
7. Order with illegible signature dated 6-7-98.
8. Copy of the prayer of Sh. B.K. Shukla.

It has not been specifically denied in the written statement that B.K. Shukla is not the President of United Bank of India Shramik Karmchari Samity nor its registration is denied. It is also not denied that the said union is not affiliated to National Confederation of Bank Employees (NCBE). It is also not disputed that B.K. Shukla is Joint Secretary of NCBE. It is also not denied specifically that the worker B.K. Shukla since long dealing with the matters relating to disputes and conflict between the workman and the management.

This is also admitted fact the B.K. Shukla is a graduate and acquired more than 30 years in the Banking work. This is also not disputed that post of Teller Operator was falling vacant in and around middle of 1998 and is an allowance carrying post and meant for senior most clerk. The main criterion is seniority with branch when the post exists. It is not denied that the worker was senior most clerk in the

Birhana Road branch. It is also not denied that the worker was not entitled to the work of Encoder Operator.

It is pertinent to mention here that the present case was registered as I.D. case No. 48/2000 in the CGIT-cum-Labour Court, Kanpur and Sh. B.K. Shukla filed a Writ Petition before the Hon'ble High Court, Allahabad for the transfer of the case No. 48/2000, B.K. Shukla Vs. Union of India to any other CGIT-cum-Labour Court. The Hon'ble High Court, Allahabad passed following order :

"It is open to the petitioner to approach the respondent No. 2 in this matter. This Court under Article 226 of Constitution of India cannot interfere in the present with petition. The petitioner may seek his remedy before the respondent No. 2 who may expeditiously consider and dispose of the matter.

The writ petition is dismissed with the aforesaid observations."

The workman, B.K. Shukla approached Secretary of Labour, Ministry of Labour, New Delhi and the Government of India transferred the said case to CGIT-cum-Labour Court, Lucknow with the direction that the said tribunal shall proceed with the proceedings from the stage at which they are transferred to it and disposed of the same according to the law. Thus, the I.D. case No. 48/2000 is received in this tribunal and registered as 66/2003.

The opposite party has filed affidavit of the Chief Regional Manager, United Bank of India along with the following documents :

1. Photocopy of letter of Govt. of India, Ministry of Labour No. L-12011/37/99-IR (B-II) dated 27-10-99 regarding 10 point charter demand strike notice.
2. Photocopy of Govt. of India, Ministry of Labour letter No. L-12011/35/98-IR(B-II) dated 3/10-2-99.
3. Photocopy of extract of proceedings dated 23-2-99 of Assistant Labour Commissioner (C), Kanpur.
4. Photocopy of Assistant Labour Commissioner (C), Kanpur letter No. K7[1-6] 98-E-2 dated 29-6-1998 addressed to Govt. of India, Ministry of Labour.

The Bank's management has also filed the affidavit of Dy. Regional Manager, United Bank of India, Shiv Charan Singh. The management of Bank has filed following documents along with affidavit of Shiv Charan Singh, Ex-Branch Manager of United Bank of India, Kanpur Branch Birhana Road :

1. Photocopy of transfer order of Sh. B.K. Shukla from Kanpur Branch to Harsh Nagar Branch.

2. Letter of Kanpur Branch Brihana Road No. KAN/EST/BKS/652/98 dated 27/306-98 regarding transfer and relieving of B.K. Shukla.
3. Photocopy of extract of Peon Book regarding receipt of letter No. CRM/CR/ROT/13/98 dated 20-6-98.
4. Photocopy of receipt of registered letter.
5. Photocopy of extract of the attendance register showing the relieving of B.K. Shukla from Harsh Nagar on 30-6-98.
6. Photocopy of sanction of Encoder Operator by Chief Officer HRD addressed to Kanpur Branch Brihana Road.

The management has also filed affidavit of Mr. Anurag Srivastva, Dy. Regional Manager, United Bank of India. The management has also filed rejoinder affidavit of Shri Anurag Srivastva after receipt of counter affidavit of B. K. Shukla, the worker.

The worker has filed affidavit in support of his claim application dated 26-3-2001. The worker has also filed the counter affidavit dated 15-9-2003 and another counter affidavit dated 15-12-2003.

The worker, B. K. Shukla has filed following documents along with his counter affidavit :

1. Photocopy of letter of General Secretary, United Bank of India Sramik Karmachari Samity dated 9-8-99 addressed to the General Manager (Personnel), United Bank of India, Calcutta.
2. Photocopy of letter of General Secretary, Sramik Karmachari Samity dated 18-1-2000 addressed to General Manager (Personnel) for statutory protection for workmen.
3. Photocopy of letter of Management addressed to General Secretary, Sramik Karmachari Samity dated 19-7-2000 with reference to Sramik Karmachari Samity letter dated 18-1-2000.
4. Photocopy of letter of General Secretary, Sramik Karmachari Samity dated 18-9-2000 addressed to Assistant Labour Commissioner about the failure of management to send communication of acceptance of list of protected workmen within 15 days.
5. Photocopy of the proceeding of Assistant Labour Commissioner.

The workman has also filed the circular of General Manager (Personnel) No. PO/IR/29/O&M.213/97 dated 16-10-1997 regarding rotational transfer of award staff.

Opposite party has objected the application under Section 33 A of I.D. Act, 1947 on the ground that same is

not maintainable because there is no violation of Section 33 and there is no pendency as such. The management filed the preliminary objection as well as written statement and the matter has been under hearing for such a long time for disposal of the preliminary objection. Written statement is also to the same effect alleging the same facts by the management. Therefore, there is no justification in disposing the preliminary issue alone. Since the matter is 3 years old it shall be in the fitness of the case to dispose of the entire case.

Shri Anurag Srivastava and Shri Bankim Chand Total were cross-examined by the workman on 26-9-2003 and 14-10-2003 respectively. Shiv Charan Singh was also cross-examined on 14-10-2003.

B.K. Shukla has been cross-examined by the management on 16-9-2003.

Parties have filed the written arguments although they were given opportunity of personal hearing as well. Perused the record and gone through the evidence and pleadings carefully.

In the argument the Bank management has laid greater emphasis to decide the question of maintainability first.

In order to attach finality to the matter, the corporate body, United Bank of India itself ought to have been arrayed as party. The applicant has only arrayed the functionaries of the Bank. As a matter of fact, the Bank itself ought to have been arrayed as is required under Order 30 Rule 1 CPC. This point can be further illustrated like this, if any one feels aggrieved from any order of the Department of U.P. Government, while bringing the matter before the Court or Tribunal, the aggrieved person will first array Government of U.P. a party and thereafter the officers manning the concerned Department of the U.P. Government will be arrayed. This requirement is not without purpose. If U.P. Government is not arrayed as party, no effective decree can be passed. On the same analogy, unless and until United Bank of India is arrayed as opposite party, the application suffers with legal defects, and, as such, not maintainable. The learned representative of the opposite party has gone into the technicalities of CPC, mentioning Order 30 Rule 1 of CPC. He has not been able to show any case law or rule, which warrants impleadment of the United Bank of India or Union Bank of India. It has been held by the Hon'ble Supreme Court in 99 LAB IC 602, *Municipal Committee Tauru Vs. Harpal Singh* and another that technicalities should not be allowed to prevail. Even in labour matters claim goes before a Court or Tribunal with case and it is upon merit of that case that relief granted or refused to him. The workman has arrayed his employer as a party from whom he seeks relief and I do not feel that the application should be declared not-maintainable because provisions of Order 30 Rule 1 of CPC has not been complied with.

The second argument taken by the legal representative of the Bank is that in the heading of the application, contravention of provision of Section 33-A I.D. Act, 1947, has been mentioned. This lays down the procedure for seeking redressal in case of condition of service is changed during pendency of proceedings before any Authority. Hence, question of contravention of this Section does not arise. Accordingly, the application itself will not be maintainable because of this inherent defect. I have heard the learned representative of the opposite party carefully and come to the conclusion that merely because certain section is mentioned on the heading of the application shall not make it non-maintainable. Heading is not important but substance of the complaint/claim application/petition is important to be looked into.

The worker has argued that he has moved cocomplaint petition with heading i.e. contravention of the provisions of Section 33 I.D. Act, 1947 and 33-A. The worker has also proved his case that there is clear contravention of the provisions of Section 33 I.D. Act, 1947.

On going through the original application, I find that the application has been moved alleging in Part-I as under :

"The applicant begs to complain that the opposite parties (Respondents) have been guilty of the contravention of the provisions of Section 33-A of Industrial Disputes Act, 1947".

After typing figures '33-A' and subsequently 'A' has been struck off by signing it. I fully agree with the workman that the substance of the application has to be gone through and not the heading itself. The workman's case is that he was removed from service without observing provisions of Section 33(2)(b) of I.D. Act. The question will be whether the worker has made out a case in the application if yes the application is maintainable. From the perusal of the application, I come to the conclusion that the application shall not become not maintainable because Section 33 or 33A is mentioned.

The learned representative of the management has argued that the workman was a clerk of the Bank and was posted at Birhana Road Branch, Kanpur. He was transferred from this branch to Harsh Nagar branch, Kanpur vide order dated 20-6-1998 and was actually relieved on 30-6-1998. He failed to join at the place of transfer. As far more than 30 days the applicant remained absent, he was issued a charge sheet dated 15-1-99 in this regard and after completing enquiry he was removed from service vide order dated 21-3-2000 as this charge was found to be proved. The worker has challenged his transfer order, alleging that union had given a 14 point charter of demand to Assistant Labour Commissioner (C), Kanpur on 11-2-98, which remained pending till 7-7-98. In this way conciliation proceedings were pending when impugned transfer order

was passed and as no prior approval was taken from Assistant Labour Commissioner (C), Kanpur, it was alleged that following matters were pending when his removal order was passed:

1. Charter of demand dated 28-6-98 pending before Assistant Labour Commissioner (C), Kanpur.
2. Charter of demand dated 7-5-99 and strike notice dated 7-6-99 were given to Assistant Labour Commissioner (C), which were pending before him.
3. The claim for Teller Operator raised in November, 1998, is still pending before Assistant Labour Commissioner (C), Kanpur.
4. Dispute regarding selection and posting of Computer Operator raised on 26-6-98 is still pending before Assistant Labour Commissioner (C), Kanpur.
5. A dispute in I.D. Case No. 72/1998 about absorption of Shri Ganesh Kumar Sankar, as Canteen boy, raised in 1997 is still pending before C.G.T., Kanpur.
6. The dispute regarding payment of overtime is still pending in I.D. case No. 260/99 before this Tribunal.

Learned representative of the opposite party has argued that according to the workman his removal order was passed during pendency of above mentioned proceedings without taking prior approval of the concerned authorities. Hence, order for his removal from service is vitiated. The opposite party does not admit the allegation of pendency of proceedings before various authorities. The opposite party has alleged that ingredients of Section 33 of I.D. Act, 1947 provides:

(2) Pre-conditions to the protection of S.33 (1) in order to entitle the workman to the protection of clause (a) of Sub-section (1), the following conditions must cumulatively exist:

- (i) there should be a pendency as aforesaid of any proceeding in respect of an industrial dispute;
- (ii) the workman claiming protection should not only be a workman within the meaning of S.2 (g), but he should also be a workman concerned in the pending dispute;
- (iii) the alteration in question should have the effect of making a change in the conditions of service applicable to such workman which were applicable to him immediately before the commencement of such proceeding and such alteration should be prejudicial to his interest; and
- (iv), such alteration should be in regard to any matter connected with the pending dispute.

It is true that in the complaint the first two ingredients have been recorporated. The third ingredient regarding alteration in the condition of service has not been clearly pleaded. There is no averment worth the name regarding 4th ingredient in the Application. It has not been pleaded as to how and in what manner, the impugned orders amount to change in the condition of service, and as to how the same are connected with the pending dispute. In this way, essential facts constituting cause of action for bringing the case under section 33-A have not been pleaded. In the absence of these averments, here complaint allegations do not make out a case for violation of provisions of Section 33-A I.D. Act. In its absence, the application suffers from patent defect and is liable to be rejected.

Learned representative of the workman while replying the argument of the opposite party has said that Shri B.C. Tola filed an affidavit on 26-2-2001 in compliance of court's order dated 18-1-2001. In para 5 of the affidavit Shri B.C. Tola has stated as under:

"That the proposed punishment of removal from service with superannuation benefits was passed against Shri Shukla dated 6-3-2000 and final orders confirming the proposed punishment was passed on 21-3-2000 and on the said dates there was no conciliation proceedings pending before any labour court with regard to the said departmental proceedings, which ultimately decided on 21-3-2000. No industrial dispute was pending before conciliation officer and/or before this learned court which may effect the provisions of Sec. 33-A as have been invoked by Shri B.K. Shukla through instant proceedings."

The entire affidavit filed by the respondents on 26-2-2001 contains totally wrong and false averments. Proceedings for submitting a wrong and false affidavit/statement before the court are liable to be drawn against Shri B.C. Tola by this Hon'ble Court. The workman/applicant Shri B.K. Shukla hereinabove in the foregoing paras has categorically established/explained the pendencies before the A.L.C. and this Hon'ble Tribunal. Moreover, I.D. case No. 260/1999 is still pending before this Hon'ble Tribunal. In the light of detailed factual submissions made herein above by the workman/applicant B.K. Shukla, it is once again humbly submitted that there was pendency when the order of transfer of the applicant was made and thereafter there was the pendency when the charge sheet was issued, thereafter the pendency was existing when the departmental enquiry was conducted and thereafter pendency was running when the proposal for removal from the service was made and the pendency is still existing whereas, as the President of United Bank of India Sramik Karmachari Samiti, and as an individual the workman/applicant Shri B.K. Shukla is directly connected. The service condition of the workman B.K. Shukla have been deliberately changed by the management of the respondent Bank from 1-7-1998 by not giving either wages or subsistence allowance."

In the order dated 16-1-2001 the Labour Court passed following order :

"The management has to file affidavit to the effect that no dispute or proceeding of any type regarding the workman was pending before A.L.C. when the impugned order of removal was passed on or before 26-2-2001."

The workman has argued that the order dated 16-1-2001 made by this Court is clear and unambiguous. The respondents have submitted a wrong and false affidavit in satisfaction of the quarry advanced by this Hon'ble Court and also tried to twist the issue by raising the technical issues, which are quite irrelevant. He has submitted that all the technical objections raised by the respondents have been suitably and pin-pointedly replied by the workman/applicant. This Court while applying its mind left all the irrelevant technical issues and singled out one issue 'Tendency' vide order dated 16-1-2001. The workman/applicant with every emphasis at command has established that there was the pendency. It is also submitted that the respondent Bank has not at all applied for the express approval of this Hon'ble Court for confirming the proposed proposal of removal of the workman/applicant dated 6-3-2000. The provisions to section 33(2)(b) of the I.D. Act, 1947 contemplates three things namely (i) Dismissal or discharge, (ii) Payment of wages and (iii) making of an application for approval to be part of the same transaction. It is note-worthy here that neither there was any offer to the workman/applicant B.K. Shukla for paying him wages for one month nor there was an application moved to this Hon'ble court for approval at the same time. Thus, it is absolutely clear that order of removal of the workman applicant Shri B.K. Shukla is in clear violation of the provision of Section 33(2) (b) of the I.D. Act, 1947.

The representative of worker has argued that provision contained in section 4(C), 7 and 13 of the Vth Schedule of the I.D. Act, 1947 have been clearly violated by the respondent Bank in making the alleged order of transfer of the protected workman to a lower rating branch. He has also submitted that B.K. Shukla has got lodged criminal prosecutions against the Chief Regional Manager of the respondents Bank which are still pending in the criminal courts. Statement of MW-III is quite clear, in this respect where he says in reply to question No. 12 that he has no knowledge about the criminal prosecution against Shri Ananat Ram Gupta, the then CRM of the respondent Bank but in reply to question No. 14 he says that it is a copy of the order made by the Hon'ble High Court, Allahabad staying the further proceedings of the criminal case No. 1069 of 1998 stayed Ananat Ram Gupta Vs. State of UP pending in the Court of Metropolitan Magistrate, Kanpur. As a matter of fact the workman B.K. Shukla has got provided jobs to different persons in the Bank through different conciliation proceedings and managed lodging

of criminal prosecutions against the respondent Bank management for its non-compliance of the awards and settlements. In such state of affairs the respondent Bank has conspired to give the lesson to the might protected workman and to create the circumstances before him to bow down before the Bank management and thus, in the chainsling of vindictive harrassive tactics the Bank management has made the alleged transfer order dated 20-6-1998 quite violating the rotational transfer policy. The alleged transfer order dated 20-6-98 was deliberate act of the Bank management as the protected workman B.K. Shukla was transferred at the age of 54 years 8 months, knowing it fully well that on completion of the 55 years of the age order of his transfer cannot be at all made. In the year 1987 B.K. Shukla was left from rotational transfer being the protected workman but this time on 20-6-1998 the order of his transfer was made against his will without paying heed at all to his protest and started his harassment by striking of his name from the attendance roll B.K. Shukla was the senior most clerk at the respondent's Kanpur Main Branch and due to his seniority he was entitled for the post encoder and teller operator but by making he order of his transfer to a lower rating Harsh Nagar where no post of encoder and teller operator exists, (as admitted by the respondents witnesses) the respondents have violated the provisions of section 4(c) of the Fifth Schedule The. alleged order of transfer dated 20-6-1998 has been malafiedly done to deprive him from the benefits of encoder and teller operator.

All the actions against the workman B. K. Shukla are done by the respondent Bank management are against the provisions of I.D. Act 1947 and against the Shastri Award and against the Natural Justice. The Bank management has altogether done the arbitrary exercise considering that as if law is manufactured in the chamber of respondent's chamber, the service conditions of the workman B. K. Shukla who is directly connected in the pending industrial disputes, have been deliberately changed by the respondent's management and from 1-7-98 by not giving either wages or subsistence allowance.

The worker has also argued, that Bank management has not at all applied for confirming the proposed proposal of removal of the workman/applicant dated 6-3-2000. The provisions of Section 33(2)(b) of the I.D. Act, 1947 contemplates three things namely (i) Dismissal or discharge (ii) Payment of wages and (iii) making of an application for approval to be part of the same transaction. It is note worthy here that neither there was any offer to the workman applicant B. K. Shukla for paying him wages for one month nor there was an application moved to this Hon'ble Court for approval at the same time. Thus, is absolutely clear that order of removal of the workman applicant Shri B. K. Shukla is in clear violation of the provisions of Section 33 (2)(b) of the I.D. Act, 1947. The circumstances clearly shows violation of mandatory provisions pertaining to the

workman. It has been stressed on behalf of the worker that he was transferred to Harsh Nagar branch from Birhana Road branch, Kanpur. Harsh Nagar, Kanpur U.B.I. branch is lower rating branch. From 1-7-1998 no wages have been paid to the workman/applicant up till now. Fifth Schedule of I.D. Act, 1947 is clearly warranted in the present matter. Entire actions of the respondent Bank from 20-6-1998 till the proposed order of removal dated 6-3-2000 and final *ex-parte* order of removal dated 21-3-2000 are the sad commentaries of victimisation and unfair labour practice contained in Fifth Schedule of I.D. Act, 1947 and victimisation is perfectly established.

The unfair labour practices are defined in Fifth Schedule of I.D. Act, 1947. They include the following :

“Serial No. 4(c) is as follows :

- (c) “changing seniority rating of workmen because of trade union activities;”
- (d) refusing to prompt workmen of higher posts on account of their trade union activities;
- (e) discharging office-bearers or active members of the trade union on account of their trade union activities.

Serial No. 5 of the Fifth Schedule of I.D. Act, 1947 reads as follows :

- (5) to discharge or dismiss workmen—
 - (a) by way of victimisation;
 - (b) not in good faith, but in the colourable exercise of the employer's rights;
 - (c) by falsely implicating a workman in a criminal case on false evidence or on concocted evidence;
 - (d) for patently false reasons;
 - (e) on untrue or trumped up allegations of absence without leave;
 - (f) in utter disregard of the principles of natural justice in the conduct of domestic enquiry or with undue haste;
 - (g) for misconduct of a minor technical character, without having any regard to the nature of the particular misconduct or the past record or service of the workman, thereby leading to a disproportionate punishment.

Serial No. 7 of the Fifth Schedule I.D. Act, 1947 reads as follows :

- (7) To transfer a workman *malafide* from one place to another, under the guise of following management policy.”

The Industrial Disputes Act, 1947 also provides that during the pendency of any conciliation proceeding before

a conciliation officer or a Board or of any proceeding before [arbitrator or] a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall alter to the prejudice of the workman concerned in such dispute the conditions of service applicable to them immediately before the commencement of such proceeding or no employer shall discharge or punish whether by dismissal or otherwise any workmen concerned in such dispute. Save with the express permission in writing of the authority before which the proceeding is pending. Section 33 also provides that during the pendency of such proceedings no employer shall alter in regard to any matter not connected with the dispute the conditions of service applicable to that workman immediately before the commencement of such proceedings or for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise. The Section 33 of Industrial Disputes Act, 1947 is reproduced below :

“33. Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings—

(1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before an arbitrator or a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall—

- (a) in regard to any matter connected with the dispute, alter, to the prejudice of the workman concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or
- (b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute.

save with the express permission in writing of the authority before which the proceedings is pending;

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with standing orders applicable to a workman concerned in such dispute or, where there are no such standing orders, in accordance with the terms of the contract, whether express or implied, between him and the workman—

- (a) alter, in regard to any matter not connected with the dispute the conditions of service applicable to that workman immediately before the commencement of such proceeding; or
- (b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman :

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one

month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

(3) Notwithstanding anything contained in sub-section (2) no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute—

(a) by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceedings; or

(b) by discharging or punishing, whether by dismissal or otherwise, such protected workman,

save with the express permission in writing of the authority before which the proceeding is pending.

Explanation : For the purposes of this sub-section a "protected workman" in relation to an establishment, means a workman who, being a member of the executive or other office bearer of a registered trade union connected with the establishment, is recognised as such in accordance with rules made in this behalf.

(4) In every establishment, the number of workmen to be recognised as protected workmen for the purposes of sub-section (3) shall be one per cent of the total number of workmen employed therein subject to a minimum number of five protected workmen and a maximum number of one hundred protected workmen and for the aforesaid purpose, the appropriate government may make rules providing for the distribution of such protected workmen among various trade unions, if any, connected with the establishment and the manner in which the workmen may be chosen and recognised as protected workmen.

(5) Where an employer makes an application to a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, without delay, hear such application and pass, within a period of three months from the date of receipt of such application, such order in relation thereto as it deems fit.

Provided that where any authority considers it necessary or expedient so to do, it may, for reasons to be recorded in writing, extend such period by such further periods as it may think fit.

Provided further that no proceedings before any such authority shall lapse merely on the ground

that any period specified in this sub-section had expired without such proceedings being completed."

In case where conditions of service etc. have been changed during the pendency of a proceeding have made under Section 33A of the Industrial Disputes Act, 1947 which is reproduced below:

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.

Where an employer contravenes the provisions of Section 33 during the pendency of proceedings before a conciliation officer, Board, an arbitrator, Labour Court, Tribunal or National Tribunal any employee aggrieved by such contravention, may make a complaint in writing in the prescribed manner—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit the award to the appropriate government and the provisions of this Act shall apply accordingly."

The above provision empowers an aggrieved employee to move a complaint before the authorities mentioned therein in those cases where the employer has contravened the provisions of Section 33. Section 33A can be pressed into service without any recourse to section 10. The Tribunal shall adjudicate upon it as if it were a dispute referred to it in accordance with the provisions of the Act and submit the award to the appropriate government. It is essential that the employer must have contravened the provisions of Section 33 during the pendency of the proceeding. Labour Court is not under a bounden duty while exercising its powers under section 33A to decide the preliminary issue first and thereafter to proceed to inquire into the merits after giving fresh opportunity to the parties to adduce evidence. It is the exclusive privilege of the aggrieved workman to move the application under Section 33A. In case that individual confers authority upon some union and the union moves the application it would be taken to be an application by the aggrieved workman. No right under section 33A has been conferred upon the union to move the application on behalf of the aggrieved workman *suo moto*.

Section 33B of the Industrial Disputes Act, 1947 provides that the appropriate government may, by order in writing and for reasons to be stated therein, withdraw any proceeding under this Act pending before a Labour Court, Tribunal or National Tribunal and transfer the same to another Labour Court, Tribunal or National Tribunal, as the case may be, for the disposal of the proceeding. In the present case the application under section 33A was moved before the CGIT-cum-Labour Court, Kanpur and subsequently it has been transferred by the Government to this Tribunal.

The witness Anurag Srivastava, Dy. Regional Manager (Administration) has admitted that industrial dispute case No. 260/99 was pending at the time of punishment order. The case was related to over time claim of the workman. The witness of the management, Shri Anurag has admitted that the industrial dispute is still pending.

The another witness of management, Shri Bankim Chand Tola has admitted that in industrial dispute case No. 260/99 the statement of claim was filed by Shri B. K. Shukla, the President of Union in CGIT-cum-Labour Court, Kanpur.

Shri Bankim Chand Tola has admitted that the proposal of punishment order was passed on 6-3-2000 and the same was finally passed on 21-3-2000 without any amendment.

It is an admitted fact that during the dismissal of the workman two cases were pending, the first one is 260/99 and second is K-7 (153)E-98. But Mr. Tola has said that the same was related to overtime. He has also admitted that the amount of overtime comes within the definition of wages.

Another witness of the management is Shri Charan Singh who has admitted that some of the office bearers of the union are protected workers and such protected workers are entitled to additional leave. Mr. Shiv Charan Singh has stated that he used to be Joint Secretary of the union in which Mr. B.K. Shukla represented as Secretary. It is also admitted by the witness of the management, Shri Shiv Charan Singh that according to the Shastri Award, President, Vice President and Secretary of the registered trade unions are entitled to 5 days' notice and such notice shall be affixed on the notice board.

The worker has argued that the three judges bench of Hon'ble Supreme Court has interpreted Section 33A in their judgement, *The Straw Board Manufacturing Co. Ltd., Saharapur, Vs. Govind* which is published in AIR 1962 Supreme Court 1500 (V 49 C 218).

In the aforesaid mentioned case the respondent was in the employment of appellant. On August 12, 1959 the respondent was given certain orders by the Technical Director of the appellant, but he refused to comply with

them. The same day the respondent refused to comply with certain similar orders given by the machine-man. Again on August 13, 1959, he refused to obey similar orders of the shift-in-charge. Consequently a notice was served on the respondent to show cause why he should not be dealt with under Cl. 22(a) of the Standing Orders which provided that wilful insubordination or disobedience of any lawful orders of superior was misconduct. The respondent submitted his explanation. He was then suspended and a charge-sheet was served on him on 16-8-59. Thereafter an inquiry was held into the alleged misconduct. After the inquiry was over the appellant referred the matter for the decision of the Labour Commissioner without giving any prior decision of its own as provided in Cl. 30 of the Standing Orders. The Labour Commissioner, however, refused to give a decision and informed the appellant that it could take such action as it was entitled to under the Standing Orders. The appellant again approached the Labour Commissioner for giving an order as envisaged by Cl. 30 of the Standing Orders, but the Labour Commissioner finally refused to pass any order and directed the appellant to take such action as it thought fit and as was within its power. Thereupon the appellant dismissed the respondent on February 1, 1960. As however, two disputes were pending between the appellant and its workmen one before the Industrial Tribunal No. 3 at Allahabad and the other before the Labour Court at Meerut, the appellant sent applications by post on the same day to the two authorities for approval of the action taken, namely, the dismissal of the respondent. It appears that the tribunal at Allahabad approved of the action on March 22, 1960. When however the same matter came before the labour court at Meerut on April 29, 1960, it refused to approve the action taken even though the order passed by the tribunal at Allahabad already was brought to its notice. The labour court at Meerut held that the appellant was not motivated by victimisation. It further held that in the inquiry held by the appellant, a *prima facie* case had been made out for the dismissal of the respondent, but the labour court said that though ordinarily the application of the appellant should have been granted in these circumstances it refused to approve the dismissal on the ground that the application for approval had been made after the respondent had already been dismissed; therefore it held that the application was not *bona fide* and in the circumstances the prayer that the order of dismissal should be approved was not granted. It was of the view that the proviso to S. 6E(2)(b) required that the application for approval should be made before the dismissal of the workman concerned and failure to do so amounted to contravention of the terms of the section. Therefore as the application in this case was made after the dismissal, approval could not be granted. The worker has argued that terms of section 6E(2)(b) of the Act was interpreted by the Hon'ble Supreme Court which requires attention of this court. The workman has argued that the management of the Bank has not obtained any

permission for dismissal of the workman and hence the action taken by the Bank management is illegal.

I have carefully gone through the case law cited by the workman and the interpretation given by the Hon'ble Supreme Court is narrated as below :

“(2) The question thus raised depends upon the interpretation of the terms of Section 6E(2) which as we have said already correspond word for word with the provisions of S. 33(2) of the Act. We shall therefore set out the provisions of S. 33(2) which reads as below :

- (a)
 (b) for any misconduct not connected with the dispute, discharge or punish. Whether by dismissal or otherwise, that workman;

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

We are concerned in the present appeal with the interpretation of the proviso to cl. (b) which says that no such workman shall be discharged or dismissed unless he has been paid wages for one month and in application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer. It is unnecessary to consider in the present case whether applications have to be made, where more than one dispute is pending before more than one tribunal to all the tribunals where the disputes are pending or whether an application to only one of them would be enough. In the present case disputes were pending before two authorities and applications were made to both of them though curiously the result has been rather unfortunate for the appellant, for one tribunal has approved of the action while the other has not.

(3) Before however we take the interpretation of the proviso we may refer to the circumstances in which S. 33(2) came to be enacted. Originally there was no such provision like S. 33(2) in the Act and the only provision to be found therein corresponded to the present S. 33(1). The object behind enacting S. 33 as it was before the amendment of 1956 was to allow continuance of industrial proceedings pending before any authority prescribed by the Act in a calm and peaceful atmosphere undisturbed by any other

industrial dispute. The plan object of the section was to maintain the *status quo* as far as possible during the pendency of any industrial dispute before a tribunal. But it seems to have been felt that S. 33, as it stood before the amendment of 1956, was too stringent for it completely took away the right of the employer to make an alteration in the condition of service or to make any order of discharge or dismissal without making any distinction as to whether such alteration or such an order of discharge or dismissal was in any manner connected with the dispute pending before an industrial authority. It seems to have been felt therefore, that the stringency of the provision should be softened and the employer should be permitted to make changes in conditions of service etc. which were not connected with the dispute pending before an industrial tribunal. For the same reason it was felt that the authority of workman should not be completely taken away where the dismissal or discharge was dependent on matters unconnected with the dispute pending before any tribunal. At the same time it seems to have been felt that some safeguards should be provided for a workman who may be discharged or dismissed during the pendency of a dispute on account of some matter unconnected with the dispute. Consequently S. 33 was redrafted in 1956 and considerably expanded. It is now in five sub-sections while before 1956 it consisted practically of what is now sub-section (1).

(4) The present scheme therefore of S. 33 is as follows :

Sub-section (1) refers to matters connected with a dispute which might be pending and forbids any alteration to the prejudice of the workmen concerned in such dispute, in the conditions of service applicable to them immediately before the commencement of the industrial proceedings resulting from such dispute and also forbids the employer from discharging or punishing any workman whether by dismissal or otherwise in connection with any matter connected with the dispute; and the employer, if he wants to make any alteration in the conditions of service or to punish any workman or discharge him, must get the express permission of the authority before which the proceeding relating to the dispute might be pending. Thus sub-s. (1) lays down that if an employer proposes to alter any conditions of service or proposes to punish or discharge a workman in relation to a matter connected with the dispute which might be pending before a tribunal the employer must put such proposal before the tribunal and obtain its express permission in writing before carrying out the proposal whether it be for alteration of any conditions

of service or for punishment or discharge of a workman by dismissal or otherwise.

(5) Sub-section (2) (a) on the other hand gives power to the employer to alter any conditions of service not connected with the dispute and this the employer can do without approaching at all the tribunal where the dispute may be pending. It further permits the employer to discharge or punish. Whether by dismissal or otherwise, any workman where this may be on account of any matters unconnected with the dispute pending before the tribunal; but, such discharge or dismissal is subject to the proviso which imposes certain conditions on it. The intention behind enacting sub-section (2) obviously was to free the employer from the fetter which was put on him under S. 33 as it was before the amendment in 1956 with respect to action for matters not connected with a dispute pending before a tribunal. So far as conditions of service were concerned, if they were unconnected with matters in dispute the employer was given complete freedom to change them; but so far as discharge or dismissal of workman was concerned, though the employer was given freedom, it was not complete and he could only exercise the power of discharge or dismissal subject to the conditions laid down in the proviso. Even so, these conditions in the proviso cannot be so interpreted unless of course the words are absolutely clear, as to require that the employer must first obtain approval of the tribunal where a dispute may be pending before passing the order of discharge or dismissal of a workman, for on this interpretation there will be no difference between S. 33 (1)(b) and Section 33 (2) (b) and the purpose of the amendment of 1956 may be lost.

(6) Then we come to sub-s. (3) which provides that notwithstanding anything contained in sub-s. (2) certain workmen who are called protected workmen shall not be dealt with except with the express permission in writing of the authority before which the proceedings is pending. Thus the freedom which was given to the employer under sub-s. (2) with respect to conditions of service unconnected with the dispute or with respect to discharge or punishment of workman on the ground of matters unconnected with the dispute was cut down by sub-s. (3) with respect to a small class of workmen, even though the action of the employer may be unconnected with any matter in dispute before the tribunal. The explanation to sub-s. (3) defines who is a protected workman and sub-s. (4) makes consequential provisions with respect to him.

(7) Lastly we come to sub-s. (5) which lays down that where an employer makes an application under

the proviso to sub-s. (2) for approval of the action taken by him the authority concerned shall without delay hear such application and pass as expeditiously as possible such order in relation thereto as it deems fit.

(8) Let us now turn to the words of the proviso in the background of what we have said above. The proviso lays down that no workman shall be discharged or dismissed unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer. It will be clear that two kinds of punishment are subject to the conditions of the proviso, namely, discharge or dismissal. Any other kind of punishment is not within the proviso. Further the proviso lays down two conditions, namely, (i) payment of wages for one month and (ii) making of an application by the employer to the authority before which the proceeding is pending, for approval of the action taken. It is not disputed before us that when the proviso lays down the conditions as to payment of one month's wages, all that the employer is required to do in order to carry out that condition is to tender the wages to the employee. But if the employee chooses not to accept the wages, he cannot come forward and say that there has been no payment of wages to him by the employer. Therefore, though S. 33 speaks of payment of one month's wages it can only mean that the employer has tendered the wages and that would amount to payment for otherwise a workman could always make the section unworkable by refusing to take the wages. So far as the second condition about the making of the application is concerned, the proviso requires that the application should be made for approval of the action taken by the employer. It has been urged on behalf of the respondent that the words 'action taken' in this part of the proviso mean the action proposed to be taken and therefore all that the employer can do is to make an application to the tribunal 'asking it to approve the action proposed to be taken by it and it is only after the approval that the employer can proceed to dismiss or discharge the workman. We are however of opinion that on this interpretation there would really be no difference between sub-s. (2) and sub-s. (1) of S. 33 and the intention of the legislature in making the amendment in 1956 would be rendered nugatory. Moreover, it is against the rules of interpretation to add words to a provision when the provision, as stands, is capable of a reasonable meaning which will give effect to the intention of the legislature even on the words as they stand. On the plain meaning of the proviso, it is clear that it give the employer the power to discharge or dismiss the

employee before obtaining the approval of the tribunal concerned; but at the same time the protection afforded to the employee by the proviso has to remain effective. It seems to us therefore that when the proviso speaks of an application for approval of the action taken, the action taken there is the order of actual discharge or dismissal made by the employer and it is for the approval of this order that the application is to be made. This is borne out by Form 'K' under R. 60 of the Rules framed under the Act, which corresponds to Form XV under R. 31 of the U.P. State Rules. Further the use of the word 'approval' in the proviso also suggests that something has been done by the employer who seeks approval of that from the tribunal. If the intention was that in view of the proviso the employer could not pass the order of dismissal or discharge without first obtaining the approval of the tribunal, we see no reason why the words in the proviso should not have been similar to those in sub-ss. (1) and (3), namely, that no workman shall be discharged or dismissed without the express permission in writing of the authority concerned. The change therefore in the language used in the proviso to sub-s. (2)(b) clearly shows in our opinion that the legislature intended that the employer would have right to pass an order of discharge or dismissal subject to two conditions, namely, (i) payment of wages for one month and (ii) making of an application to the authority concerned for approval of the action taken. The use of the word 'approval' also suggests that what has to be approved has already taken place, though sometimes approval may also be sought of a proposed action. But it seems to us in the context that the approval here is of something done, as otherwise it would have been quite easy for the legislature to use the words 'for approval of the action proposed to be taken' in the proviso. Further sub-s. (5) also suggests when it uses the words 'approval of the action taken' that some action has been taken and it is that action which the employer wants to be approved by his application. The difference between sub-s. (1) and sub-s. (2) is therefore that under sub-s. (1) the employer proposes what he intends to do and asks for the express permission of the authority concerned to do it; in sub-s. (2) the employer takes the action and merely asks for the approval of the action taken from the authority concerned by his application. There can therefore be no doubt that sub-s. 2(b) read together with the proviso contemplates that the employer may pass an order of dismissal or discharge before obtaining the approval of the authority concerned and at the same time make an application for approval of the action taken by him. It is however urged on behalf of the respondent that if the employer,

dismisses or discharges a workman and then applies for approval of the action taken and the tribunal refuses to approve of the action the workman would be left with no remedy as there is no provision for reinstatement in S. 33(2). We however see no difficulty on this score. If the tribunal does not approve of the action taken by the employer, the result would be that the action taken by him would fall and thereupon the workman would be deemed never to have been dismissed or discharged and would remain in the service of the employer. In such a case no specific provision as to reinstatement is necessary and by the very fact of the tribunal not approving the action of the employer, the dismissal or discharge of the workman would be of no effect and the workman concerned would continue to be in service as if there never was any dismissal or discharge by the employer. In that sense the order of discharge or dismissal passed by the employer does not become final and conclusive until it is approved by the tribunal under S. 33(2).

(9) The next question is as to when should an application be made. In this connection our attention was drawn to Section 33-A of the Act which gives a right to the employee to apply for redress in case an employer contravenes the provision of S. 33 and there is no doubt that the proviso to S. 33(2)(b) should be so interpreted as not to whittle down the protection provided by S. 33-A. As we read the proviso, we are of opinion that it contemplates the three things mentioned therein, namely, (i) dismissal or discharge, (ii) payment of wages and (iii) making of an application for approval to be simultaneous and to be part of the same transaction so that the employer when he takes the action under S. 33(2) by dismissing or discharging an employee, should immediately pay him or offer to pay him wages for one month and also make an application to the tribunal for approval at the same time. When however we say that the employer must take action simultaneously or immediately we do not mean that literally, for when three things are to be done they cannot be done simultaneously, they can only be done one after the other. What we mean is that the employer's conduct should show that the three things contemplated under the proviso, namely, (i) dismissal or discharge, (ii) payment of the wages, and (iii) making of the application, are parts of the same transaction. If that is done, there will be no occasion to fear that the employee's right under S. 33-A would be affected. The question whether the application was made as part of the same transaction or at the same time when the action was taken would be a question of fact and will depend upon the circumstances of each case.

(10) We may refer to certain cases, which have been relied upon by either side. The main case on which learned counsel for the respondents relies is Premier Automobiles Ltd. V. Ramchandra Bhimayya, ILR (1960) Bom 289; (AIR 1960 Bom 390). In that case the Bombay High Court held that the application should be made before the action has been taken by the employer and that it was not correct to infer from the use of the word 'approval' in the proviso that the legislature intended that such an application should be made after the action had been taken. The High Court has pointed out that there is apparent conflict between the first and last part of the proviso and the view it took was with the object of harmonising the two parts. This view has been followed by the Gujarat High Court in Indian Extractions Private Ltd. V. A. V. Vyas, Conciliation Officer, AIR 1961 Guj 22 though with some hesitation. With respect we feel that it is not necessary to read the words 'action taken' in the proviso as equal to 'action proposed to be taken,' as the Bombay High Court has done and that the apparent conflict between the two parts of the proviso can be harmonised, as we have indicated above, leaving it open to the employer to dismiss or discharge the employee and at the same time pay him necessary wages and make an application to the authority concerned for approval of the action taken. The contrary view has been taken by the Calcutta High Court in Metal Press Works Ltd. V. H.R. Deb, (1962) 1 Lab Lj 75; (AIR 1962 Cal 123) where it has been held that payment of wages and the making of the application should be simultaneous with the order of discharge or dismissal. It has further been pointed out that the word 'simultaneously' must of course be taken reasonably and a notion of split-second time in should not be imported. It should be done at once and without delay, and it will depend upon the facts of each case whether the application has been made at once or without delay. This, we think, is the correct view to take.

(11) Let us therefore see what has happened in this case. The appellant-concern is siting at Saharanpur while one tribunal was at Meerut and the other at Allahabad. What the appellant did was to pass an order of dismissal on February 1, 1960. On the same day he sent two applications by post addressed to the two tribunals. The application at Meerut was received on February 3 and the application at Allahabad on February 4, 1960. In these circumstances we are of opinion that the appellant had made the application to the tribunal simultaneously and without delay on its passing the order of dismissal and its action was therefore in accordance with the proviso. The view taken by the labour court that the application must be made before

dismissing the respondent is not correct. The appellant in this case had complied with the proviso to S.33(2)(b) when it dismissed the workman paid him or offered to pay the necessary wages and at the same time sent the application by post to the tribunal concerned for approval of the action taken by it."

The workman has cited another case law 1966 AIR 1966 Supreme Court 380 (V 53 C 80) Tata Iron and Steel Co. Ltd. V. S.N. Modak and has argued that the Hon'ble Supreme Court has held that where as a result of pendency of industrial dispute between an employer and his employees, the employer is required to apply for approval of the dismissal of his employee under S.33(2)(b), Industrial Disputes Act, 1947, such an application survives even after the main industrial dispute is meanwhile finally decided and an award pronounced on it. The application is a separate proceeding and as an independent proceeding, will be governed by the provisions of S.33(2)(b). Consequently a proceeding validly commenced under S. 33(2)(b) will not automatically end merely because the main industrial dispute has in the meanwhile been finally determined. The Hon'ble Supreme Court observed as follows :—

"We are concerned with S.33 as it stands after its final amendment in 1956. Section 33 consists of five sub-sections. For the purpose of this appeal, it is necessary to read sub-sections (1) and (2) of S. 33:—

(1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall—

(a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or

(b) for any misconduct connected with the dispute, discharge or punish whether by dismissal or otherwise, any Workmen concerned in such dispute, save with the express permission in writing of the authority before which the proceeding is pending.

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may in accordance with the standing orders applicable to a workman concerned in such dispute—

(a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding; or

(b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman:

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer. A reading of the above two sub-section of S.33 makes it clear that its provisions are intended to be applied during the pendency of any proceeding either in the nature of conciliation proceeding or in the nature of proceeding by way of reference made under S. 10. The pendency of the relevant proceeding is thus one of the conditions prescribed for the application of s.33. Section 33(1) also shows that the provisions of the said sub-section protect workmen concerned in the main dispute, which is pending conciliation or adjudication. The effect of sub-s. (1) is that where the conditions precedent prescribed by it are satisfied, the employer is prohibited from taking any action in regard to matters specified by clauses (a) and (b) against employees concerned in such dispute without the previous express permission in writing of the authority before which the proceeding is pending. In other words, in cases falling under sub-s. (1), before any action can be taken by the employer to which reference is made by clauses (a) and (b), he must obtain the express permission of the specified authority. Section 33(2) proceeds to lay down a similar provision and the conditions precedent prescribed by it are the same as those contained in S.33(1). The proviso to S. 33(2) is important for our purpose. This proviso shows that where action is intended to be taken by an employer against any of his employees which falls within the scope of cl. (b) he can do so, subject to the requirements of the proviso. If the employee is intended to be discharged or dismissed, an order can be passed by the employer against him, provided he has paid such employee the wages for one month, and he has made an application to the authority before which the proceeding is pending for approval of the action taken by him. The requirements of the proviso have been frequently considered by Industrial Tribunals and have been the subject matter of decisions of this Court as well. It is now well settled that the requirements of the proviso have to be satisfied by the employer on the basis that they form part of the same transaction; and stated generally, the employer must either pay or offer the salary for one month to the employee before passing an order of his discharge or dismissal and must apply to the specified authority for approval of his action at the same time, or within such reasonably short time thereafter as to form part of the same transaction. It is also settled that if approvals granted, it takes effect from the date of the order passed by the employer for which approval was sought. If approval is not granted the order of dismissal or discharge passed by the employer is wholly invalid or inoperative, and the employee can legitimately claim to continue to be in the employment of the employer notwithstanding the order passed by him dismissing or discharging him. In other words approval by the prescribed authority moving the

order of discharge or dismissal effective; in the absence of approval, such an order is invalid and inoperative in law.

(6) Sub-sections (3) and (4) of S.33 dealt with cases of protected workmen, but with the provisions contained in these two sub-sections we are not concerned in the present appeal. That leaves S. 33(5) to be considered. This sub-section requires that where an application is made under the proviso to sub-s. (2) the specified authority has to dispose of the application without delay; and indeed; it expressly prescribes that the said proceedings must be dealt with as expeditiously as possible. This sub-section is naturally limited to cases falling under sub-s. (2). In regard to cases falling under sub-s. (1), the employer can act only with the previous express sanction of the prescribed authority, and, therefore, there is no need to make any provision in regard to an application which the employer may make under sub-s. (1) requiring that the said application should be dealt with expeditiously. That is the general scheme of s.33.

(7) It is quite clear that S.33 imposes a ban on the employer exercising his common law, statutory, or contractual right to terminated the services of his employees according to the contract or the provisions of law governing such service. In all cases where industrial disputes are pending between the employers and their employees, it was thought necessary that such dispute should be adjudicated upon by the tribunal in a peaceful atmosphere, undisturbed by any subsequent cause for bitterness or unpleasantness. It was, however, realized that if the adjudication of such disputes takes long, the employers cannot be prevented absolutely from taking action which is the subject-matter of s.33(1) and (2). The Legislature, therefore, devised a formula for reconciling the need of the employer to have liberty to take action against his employees, and the necessity for keeping the atmosphere calm and peaceful pending adjudication of industrial disputes. In regard to actions covered by S.33 (1), previous permission has to be obtained by the employer, while in regard to actions falling under S.33(2), he has to obtain subsequent approval, subject to the conditions which we have already considered. In that sense, it would be correct to say that the pendency of an industrial dispute is in the nature of a condition precedent for the applicability of S.33(1) and (2). It would, *prima facie*, seem to follow that as soon as the said condition precedent ceases to exist S.33(1) and (2) should also cease to apply; and the learned Solicitor-General for the appellant has naturally laid considerable emphasis on this basic aspect of the matter.

(8) It is also true that 'having regard to the conditions precedent prescribed by Section 33(1)(2), it may be possible to describe the application made by the employer either under S. 33(1) or under S. 33 (2)

as incidental to the main industrial dispute pending between the parties. We have noticed that such applications have to be made before the specified authority which is dealing with the main industrial dispute; and so, the argument is that an incidental or an interlocutory application which arises from the pendency of the main industrial dispute, cannot survive the decision of the main dispute itself. That is another aspect of the matter on which the learned Solicitor-General relied. He urges that it is during the pendency of the main industrial dispute that S. 33 applies; that it applies in relation to workmen concerned with such main dispute; and that the power conferred by it has to be exercised by the authority before which the main dispute is pending. These broad features of S. 33 impress upon the applications made under S. 33 (1) and (2) the character of interlocutory proceedings and thus considered, interlocutory proceedings must be deemed to come to an end as soon as the dispute has been finally determined.

(9) On the other hand, there are several considerations which do not support the argument of the appellant that as soon as the main industrial dispute is decided, the application made by it for approval under S. 33(2) should automatically come to an end. As we have already indicated, the application of the appellant can, in a sense, be treated as an incidental proceeding; but it is a separate proceeding all the same, and in that sense, it will be governed by the provisions of S. 33(2)(b) as an independent proceeding. It is not an interlocutory proceeding properly so called in its full sense and significance; it is a proceeding between the employer and his employee who was, no doubt concerned with the main industrial dispute along with other employees; but it is nevertheless a proceeding between two parties in respect of a matter not covered by the said main dispute. It is, therefore, difficult to accept the argument that a proceeding which validly commences by way of an application made by the employer under S. 33(2)(b) should automatically come to an end because the main dispute has in the mean while been decided. What is the order that should be passed in such a proceeding is a question which cannot be satisfactorily answered, unless it is held that the proceeding in question must proceed according to law and dealt with as such.

(10) In this connection it is significant that though the Legislature has specifically issued by S. 33(5) a directive to the specified authorities to dispose of the applications without delay and act as expeditiously as possible, it has not made any provision indicating that if he decision on the applications made under S. 33(2) is not reached before the main dispute is decided no order should be passed on such applications. There is little doubt that the Legislature intends that applications made under S. 33(2) should be disposed of well before the main dispute is determined; but failure to provide for the automatic termination of such applications in case the main dispute is decided before such applications are disposed of, indicates that the legislature intends that the proceedings which begin with

an application properly made under S. 33(2) must run their own course and must, be dealt with in accordance with law. The direction that the said proceeding should be disposed of as expeditiously as possible emphasises the fact that the Legislature intended that proper orders should be passed on such applications without delay, but according to law and on the merits of the applications themselves.

(11) It is, however, urged by the learned Solicitor-General that it would be futile to allow the present application to proceed any further, because he can proceed to 'dismiss the respondent notwithstanding the fact that the Tribunal, does not accord its approval to its order in question. This argument, in our opinion, is misconceived. It cannot be denied that with the final determination of the main dispute between the parties, the employer's right to terminate the services of the respondent according to the terms of service revives and the ban imposed on the exercise of the said power is lifted. But, it cannot be overlooked that for the period between the date on which the appellant passed its order in question against the respondent and the date when the ban was lifted by the final determination of the main dispute, the order cannot be said to be valid unless it receives the approval of the Tribunal. In other words, the order being incomplete and inchoate until the approval is obtained, cannot effectively terminate the relationship of the employer and the employee between the appellant and respondent; and so, even if the main industrial dispute is finally decided, the question about the validity of the order would still have to be tried and if the approval is not accorded by the Tribunal, the employer, would be bound to treat the respondent as its employee and pay his full wages for the period even though the appellant may subsequently proceed to terminate the respondent's services. Therefore, the argument that the proceedings if continued beyond the date of the final decision of the main industrial dispute would become futile and meaningless cannot be accepted.

(12) There is another aspect of this matter to which reference must be made. Section 33A makes. Special provision for adjudication as to whether any employer has contravened the provisions of S. 33. This section has conferred on industrial employees a very valuable right of seeking the protection of the Industrial Tribunal in case their rights have been violated contrary to the provisions of S. 33. Section 33A provides that wherever an employee has grievance that he has been dismissed by his employer in contravention of S. 33(2), he may make a complaint to the specified authorities and such a complaint would be tried as if it was an industrial dispute referred to the Tribunal under S. 10 of the Act. In other words, the complaint is treated as an independent industrial proceeding and an award has to be pronounced on it by the Tribunal concerned."

The workman has further argued that provision of Section 33 (2)(b) of the I.D. Act, 1947 contemplates three things namely (i) dismissal or discharge (ii) payment of wages and (iii) making of an application for approval to be

part of the same transaction. The has also stated that the workman was not offered one month's wages nor any application was moved to the Conciliation Officer of Labour Court for approval of the punishment. Therefore, order of removal of the workman applicant Shri B.K. Shukla is in clear violation of Section 33(2)(b) of the I.D. Act, 1947. He has relied on the case law [2002(92)FLR 667] Supreme Court, Jaipur Zila Sahkari Bhoomi Vikas Bank Ltd. and Sri Ram Gopal Sharma and others. He has stressed that the Hon'ble Supreme Court has categorically ruled that not making an application under Section 33(2)(b) seeking approval or withdrawing an application once made before any order is made thereon, is a clear case of contravention to proviso to Section 33(2)(b). An employer who does not make an application under Section 33(2)(b) or withdraws the once made, cannot be regarded by relieving him of the statutory obligation created on him to make such an application. I have gone through the case law cited by him and the Hon'ble Supreme Court has observed the following:

"4. Rival submissions were made on behalf of the parties in support of the respective contentions in the light of aforementioned decisions and referring to and relying on the provisions contained in Sections 31, 33 and 33A of the Act.

5. Answer to the question on which conflicting decisions are rendered, as noticed above, depends on a firm reading and proper interpretation of Section 33(2)(b) of the Act. Prior to the amendment of 1956, provision contained in Section 33 corresponded to the present Section 33(1) only. The object behind enacting Section 33, as it stood before it was amended in 1956, was to allow continuance of industrial proceedings pending before any authority/court/tribunal prescribed in course of time, it was felt that unamended Section 33 was too stringent that it placed a total ban on the right of the employer to make any alteration in conditions of service or to make any order of discharge or dismissal even in cases where such alteration in conditions of service or passing of an order of dismissal or discharge, was not in any manner connected with the dispute depending before an industrial authority. It appear, therefore, that Section 33 was amended in 1956 permitting the employer to make changes in conditions of service or to discharge or dismiss an employee in relation to matters not connected with pending industrial dispute. At the same time, it seems to have been felt that there was need to provide some safeguard of a workman who may be discharged or dismissed during the pendency of a dispute on account of some matter unconnected with the dispute. This position is clear by reading redrafted expanded Section in 1956 containing five sub-sections. For the present purpose, we are concerned with the proviso to Section 33(2)(b). The material and relevant portion of Section 33 reads:

"Conditions of service, etc. to remain unchanged under certain circumstances during pendency of proceedings.

(1)

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with standing orders applicable to a workman concerned in such dispute or where there are no such standing order, in accordance with the terms of the contract, whether expressed or implied, between him and the workman.

(a)

(b) For any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman :

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer."

6. The proviso expressly and specifically states that no workman shall be discharged or dismissed unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer. It is clear from the proviso to Section 33(2)(b) that the employer may pass an order of dismissal or discharge and at the same time, make an application for approval of the action taken by him. In the Straw Board case (supra) dealing with the contention that if the employer dismisses or discharges a workman and then applies for approval of the action taken and the tribunal refuses to approve the action, the workman would be left with no remedy as there is no provision for reinstatement in Section 33(2), it is held that "if the tribunal does not approve of the action taken by the employer, the result would be that the action taken by him would fall and thereupon the workman would be deemed never to have been dismissed or discharged and would remain in the service of the employer."

7. Constitution bench of this Court in the case of P.H. Kalyani v. M/s. Air France Calcutta, referring to Straw Board has observed thus:-

"The main point which was raised in this appeal is now concluded by the decision of this court in the Straw Board Manufacturing Co. Limited, Saharanpur v. Govind. This court has held in that case that "the proviso to Section 33(2)(b) contemplates the three things mentioned therein, namely, (i) Dismissal or discharge, (ii) Payment of wages, and (iii) making of an application for approval, to be simultaneous and to be part of the same transaction so that the employer when he takes the action under Section 33 (2) by dismissing or discharging an employee, should immediately pay him or offer to pay him wages for one month and also make an application to the tribunal for approval at the same time. It was further held that "the employer's conduct should show that the three things contemplated under the proviso are parts of the same transaction; and the question whether the application was made as part of the same transaction or at the same time

when the action was taken would be a question of fact and will depend upon the circumstances of each case."

8. In the case of Tata Iron and Steel Co. (supra) it is reiterated and stated thus:-

"It is now well-settled that the requirements of the proviso have to be satisfied by the employer on the basis that they form part of the same transaction; and stated generally, the employer must either pay or offer the salary for one month to the employee before passing an order of his discharge or dismissal, and must apply to the specified authority for approval of his action at the same time, or within such reasonably short time thereafter as to form part of the same Transaction. It is also settled that if approval is granted, it takes effect from the date of the order passed by the employer for which approval was sought. If approval is not granted, the order of dismissal or discharge passed by the employer is wholly invalid or inoperative and the employee can legitimately claim to continue to be in the employment of the employer notwithstanding the order passed by him dismissing or discharging him. In other words, approval by the prescribed authority makes the order of discharge or dismissal effective; in the absence of approval, such an order is invalid and inoperative in law."

In the same judgement, it is also stated that "order of dismissal or discharge being incomplete and inchoate until the approval is obtained, cannot effectively terminate the relationship of the employer and employee and that if the approval is not accorded by the tribunal, the employer would be bound to treat the respondent and its employee and paying his full wages, for the period- even though the employer may subsequently proceed to terminate the services of the respondent."

Per contra, in Punjab Beverages (supra), it is held that an order dismissing the workman contravening Section 33 (2)(b) shall not be void and inoperative and hence, the workman was not entitled to maintain the application for determination and payment of wages under Section 33 (C) (2); a workman can proceed under Section 33 (C) (2) only after the tribunal has adjudicated on a complaint under section 33A or on a reference under Section 10 that the order of discharge or dismissal was not justified and has set aside that order and reinstated the workman; rejecting a contention that the workman would be left without any remedy on the interpretation that contravention of section 33 does not invalidate an order of discharge or dismissal, it is stated that if the employer contravenes Section 33, he would be liable to punishment under Section 31(1) and moreover, the aggrieved workman can act under Section 10 or he can make a complaint to the tribunal under Section 33A; it was held that the withdrawal of the application made under Section 33(2)(b) stands on the same footing as if no application there under has been made if there was no decision on merit of the said application, it cannot be said that the approval has been refused by the tribunal.

11. The facts of the said case are: the workman was dismissed from service holding him 'guilty' after inquiry by an order dated 23rd December, 1974. Since an industrial dispute was pending at that time, in view of the provisions contained in Section 33(2)(b), the employer approached the Industrial Tribunal at Chandigarh before which the industrial dispute was pending for approval of the action taken. However, that application was dismissed as withdrawn on 4th September, 1976. Then the workman demanded full wages from the employer from the date of his suspension till the date of demand contending that the action of the employer dismissing him from service was not approved by the tribunal; he continued to be in service and was entitled to all the emoluments. Since the employer did not respond, he made an application to the labour court under Section 33(C) (2) for determination and payment of the amount of wages due to him. The employer resisted the said application inter alia on the ground that application under Section 33(2)(b) having been withdrawn, the effect of which was as if no application had been made at all; even though there was contravention of Section 33(2)(b) in not making an application seeking approval, it did not render the order of dismissal void ab initio and it was merely illegal and unless it is set aside in an appropriate proceeding taken by the employee under Section 33A or in a reference under Section, 10, the labour court had no jurisdiction under Section 33(C)(2) to direct payment of wages to the first respondent on the basis as if he continued in service. The labour court rejected this contention and allowed the application of the workman filed under Section 33(C)(2). This Court, allowing the appeals by special leave, held that the employer contravened Section 33(2)(b) in dismissing the workman but such contravention did not have the effect of rendering the order of dismissal void or inoperative and hence the workman was not entitled to maintain the application under Section 33(C)(2). However, the amounts ordered to be paid by the labour court were treated as compensation instead of wages to meet the demands of social justice. The reasons recorded in taking such a view are: (i) Section 33 in both its limbs undoubtedly uses mandatory language and Section 31(1) makes it penal for the employer to commit a breach of the provisions of Section 33 and, therefore, if Section 33 stood alone, it might lend itself to the construction that any action by way of discharge or dismissal taken against workman would be, void if it is in contravention of Section 33. But Section 33 cannot be read in isolation, for the intention of the Legislature has to be gathered not from the one provision but from the whole of the statute. If Sections 33 and 33A are read together it is clear that Legislative intent shall not invalidate an order of discharge or dismissal passed in contravention of Section 33 despite the mandatory language implied in the section and the penal provision enacted in Section 31(1). (ii) The mere contravention of Section 33 by the employer will not entitle the workman to an order of reinstatement because inquiry under Section 33A is not confined only to the determination as to the contravention of Section 33, but even if such contravention

is proved, the tribunal has to go further and deal also with the merits of the order of discharge or dismissal, (iii) If the contravention of Section 33 were constructed as having invalidating effect of the order of discharge or dismissal, Section 33A would be rendered meaningless and futile, because in that event the workman would invariably prefer to make an application straightaway under Section 33(C)(2) even before adjudication, whether the order of discharge or dismissal is void and, inoperative, (iv) the contention of the workman that in the absence of approval for action taken under Section 33(2)(b), the order of dismissal was inoperative, was rejected on the ground that withdrawal of the application made for approval stood on the same footing as if no application under Section 33(2) (b) has been made at all; since there was no application made under Section 33(2)(b), the tribunal had no occasion to apply its mind to consider whether the dismissal of workman amounted to victimization or unfair labour practice. Hence, it was difficult to say that the approval has been refused by the tribunal.

12. The proviso to Section 33(2)(b), as can be seen from its very unambiguous and clear language, is mandatory. This apart from the object of Section 33 and in the context of the proviso to Section 33(2)(b), it is obvious that the conditions contained in the said proviso are to be essentially complied with. Further any employer who contravenes the provisions of Section 33 invites a punishment under Section 31(1) with imprisonment for a term, which may extend to six months or with fine, which may extend to Rs. 1000/- or with both. This penal provision is again a pointer of the mandatory nature of the proviso to comply with the conditions stated therein. To put it in other way, the said conditions being mandatory, are to be satisfied if an order of discharge or dismissal passed under Section 33(2) (b) is to be operative. If an employer desires to take benefit of the said provision for passing an order of discharge or dismissal of an employee, he has also to take the burden of discharging the statutory obligation placed on him in the said proviso. Taking a contrary view that an order of discharge or dismissal passed by an employer in contravention of the mandatory conditions contained in the proviso does not render such an order inoperative or void, defects the very purpose of the proviso and it becomes meaningless. It is well settled rule of interpretation that no part of statute shall be construed as unnecessary or superfluous. The proviso cannot be diluted or disobeyed by an employer. He cannot disobey the mandatory provision and then say that the order of discharge or dismissal made in contravention of Section 33(2) is not void or inoperative. He cannot be permitted to take advantage of his own wrong. The interpretation of statute must be such that it should advance the legislative intent and serve the purpose for which it is made rather than to frustrate it. The proviso to Section 33(2) (b) affords protection to a workman to safeguard his interest and it is a shield against victimization and unfair labour practice by the employer during the pendency of industrial dispute when the relationship between them are already strained.

An employer cannot be permitted to use the provision of Section 33(2) (b) to ease out a workman without complying with the conditions contained in the said proviso for any alleged misconduct said to be unconnected with the already pending industrial dispute. The protection afforded to a workman under the said provision cannot be taken away. If it is to be held that an order of discharge or dismissal passed by the employer without complying with the requirements of the said proviso is not void or inoperative, the employer may with impunity discharge or dismiss a workman.

13. Where an application is made under Section 33(2)(b) proviso, the authority before which the proceeding is pending for approval of the action taken by the employer has to examine whether the order of dismissal or discharge is bona fide whether it was by way of victimization or unfair labour practice; whether the conditions contained in the proviso were complied with or not, etc. If the authority refuses to grant approval obviously it follows that the employee continues to be in service as if order of discharge or dismissal never had been passed. The order of dismissal or discharge passed invoking Section 33 (2) (b) dismissing or discharging an employee brings an end of relationship of employer and employee from the date of his dismissal or discharge but that order remains incomplete and remains inchoate as it is subject to approval of the authority under the said provision. In other words, this relationship comes to an end de jure only when the authority grants approval. If approval is not given nothing more is required to be done by the employee as it will have to be deemed that the order of discharge or dismissal had never been passed, consequence of it is that the employee is deemed to have continued in service entitling him to all the benefits available. This being the position, there is no need of a separate or specific order for his reinstatement. But on the other hand, if approval is given by the authority and if the employee is aggrieved by such an approval, he is entitled to make a complain under Section 33A challenging the order granting approval on any of the grounds available to him. Section 33A is available only to an employee and is intended to save his time and trouble inasmuch as he can straightaway make a complaint before the very authority where the industrial dispute is already pending between the parties challenging the order of approval instead of making efforts to raise an industrial dispute, get a reference and thereafter adjudication. In this view, it is not correct to, say that even though where the order of discharge or dismissal is inoperative for contravention of the mandatory conditions contained in the proviso or where the approval is refused, a workman should still make a complaint under Section 33A and that the order of dismissal or discharge becomes invalid or void only when it is set aside under Section 33A and that till such time he should suffer misery of unemployment in spite of statutory protection given to him by the proviso to Section 33 (2) (b), Section 33A would be meaningless and futile. The said section has a definite purpose to serve, as already stated above, enabling an

employee to make a complaint, if aggrieved by the order of the approval granted.

14. The view that when no application is made or the one made is withdrawn, there is no order of refusal of such application on merit and as such the order of dismissal or discharge does not become void or inoperative unless such an order is set aside under Section 33A, cannot be accepted. In our view, not making an application under Section 33 (2) (b) seeking approval or withdrawing an application once made before any order is made thereon is a clear case of contravention of the proviso to Section 33 (2) (b). An employer who does not make an application under Section 233 (2) (b) or withdraws the one made, cannot be rewarded by relieving him of the statutory obligation created on him to make such an application. If it is so done, he will be happier or more comfortable than an employer who obeys the command of law and makes an application inviting scrutiny of the authority in the matter of granting approval of the action taken by him. Adherence to and obedience of law should be obvious and necessary in a system governed by rule of law. An employer by design can avoid to make an application after dismissing or discharging an employee or file it and withdraw before any order is passed on it, on its merits, to take a position that such order is not inoperative or void till it is set aside under Section 33A notwithstanding the contravention of Section 33 (2) (b) proviso, driving the employee to have recourse to one or more proceeding by making a complaint under Section 33A or to raise another industrial dispute or to make a complain under Section 31 (1). Such an approach destroys the protection specifically and expressly given to an employee under the said proviso as against possible victimization, unfair labour practice or harassment because of pendency of industrial dispute so that an employee can be saved from hardship of unemployment.

15. Section 31 speaks of penalty in respect of the offences stated therein. This provision is not intended to give any remedy to an aggrieved employee. It is only to punish the offender. The argument that Section 31 provides a remedy to an employee for contravention of Section 33 is unacceptable. Merely because penal provision is available or a workman has a further remedy under Section 33A to challenge the approval granted, it cannot be said that the order of discharge or dismissal does not become inoperative or invalid unless set aside Section 33A. There is nothing in Sections 31, 33A to suggest otherwise even reading them together in the context. These sections are intended to serve different purposes.

16. As already noticed above, the constitution bench of this court in *P.H. Kalyani v. M/s. Air France Calcutta* has referred to *Straw Board Manufacturing Co. v. Gobind* and approved the view taken in the said decision as regards the requirements of the proviso to Section 33 (2) (b). Unfortunately in *Punjab Beverages Pvt. Ltd. v. Suresh Chand*, the earlier two cases of *Straw Board* and *Tata Iron & Steel Co.* were not noticed touching the question. It is true that in *S. Ganapathi and others v. Air India* and another,

there is no reference to *Punjab Beverages*. But the view taken in two earlier decisions of *Straw Board* and *Tata Iron & Steel Co.* is followed on the question and rightly so in our opinion.

17. In view of what is stated above, we respectfully agree with the endorse the view taken in the case of *Straw Board* and *Tata Iron & Steel Co.* and further state that the view expressed in *Punjab Beverages* on the question is not the correct view. The question raised in the begging of the judgement is answered accordingly."

On the other hand the opposite party has argued that the workman, B.K. Shukla was a clerk of the Bank and was posted at Birhana Road Branch, Kanpur. He was transferred from this Branch to Harshnagar Branch, Kanpur, vide order dated 20-5-1998 and was actually relieved on 30-6-1998. He failed to join at the place of transfer. As for more than 30 days the applicant remained absent, he was issued a chargesheet dated 15-1-1999 in this regard and after completing enquiry he was removed from service vide order dated 21-3-2000 as this charge was found to be proved. The worker moved an application challenging his transfer order and order of removal from service because of breach of provision of Section 33A I.D. Act, 1947. Challenging the transfer order, it was alleged that the Union had given a 14 point charter of demand to Assistant Labour Commissioner (c), Kanpur on 11-2-98, which remained pending till 7-7-1998. In this way, conciliation proceedings were pending when impugned transfer order was passed and as no prior approval was taken from the Assistant Labour Commissioner (C), Kanpur, the transfer order is bad. As regards removal order, it was alleged that a lot of matters were pending when removal order was passed. It was alleged that his removal order was passed during pendency of various proceedings without taking prior approval of the concerned authorities. Hence, order for his removal from service is vitiated.

Thus, the first and the crucial point which needs determination is as to whether there had been pendency of any case relating to the applicant Shri B.K. Shukla as regards pendency of I.D. case No. 72/1998 and I.D. case No. 260/99, it has been held in the case of *Hindustan copper Limited v. The Central Government Industrial Tribunal, Jaipur, 1979*, LAB I.C. 172 that for the purposes of Section 33 the workman should not only be a workman within the meaning of Section 2 (s) I.D. Act, but should also be 'concerned in the dispute' pending before the Authority referred to therein. Mere raising or sponsoring a dispute by the Union will not be a sine qua non for holding that every member of the Union will be a workman concerned, even if it had no semblance of any connection or interest with the dispute raised by the Union. It would be necessary for workman to show as to how he is concerned with the earlier dispute raised by him. Where dispute is raised by the Union on, behalf workman relating to an instance covering the act of that workman individually, it cannot be said that every member of such union will be, a workman 'concerned' in the dispute. In the light of above, it will be examined, if the applicant

can be said to be concerned with the above two industrial disputes.

In the present case the workman, B.K. Shukla is not only the workman but also the President of the Union. The representative of the opposite party has argued the cases were pending for very old time of the workmen of the Bank. He does not say that the workman, B.K. Shukla was excluded from the workmen of the Bank. Shri B.K. Shukla was not only prosecuting the case but he was also the concerned workman. B.K. Shukla has argued that as a workman he was concerned in the dispute of over time and since he was prosecuting the case vigorously in various cases and therefore, he was victimized by way of removal from service without obtaining approval of concerned authorities as provided by the law. He has also, pointed out that he was not only a concerned workman but also in the capacity of President of the Union has was a protected employee as well. The workman has argued that biennial convention of United Bank of India Sramik Karmachari Samiti (Union) was held in the year 1999 and B.K. Shukla was again elected All India President of the Union and as per provisions of para 535 of Shastri Award the Union submitted the names of office bearers before the competent authority of the opposite party Bank on 9-8-99.

It is mentioned in the letter that as per Section 61 of the Industrial Dispute (Central) Rules, 1957 the Union submits the names and addresses of officers of Union who are employed in Bank for recognition by the management as protected workmen. The letter provides name of B.K. Shukla at serial No. 1. The letter is written by General Secretary. The letter is dated 18-1-2000. The Asstt. General Manager of United Bank of India shot back letter dated 19-7-2000 that the letter of Union contains 17 names which is excess by 3 names to select 14 names and there therefore they requested to furnish the list of 14 names whom they desire to be treated as protected workmen. The Union's letter has been replied 6 months after the Union issued the letter,

Para 535 of Shashtri Award reads as under:

"Policy regarding transfers is a constant source of friction between the banks and the workmen now organized into unions. The cry of victimization of office bearers and 'activists' of trade unions is raised wherever such transfers are mooted. We have found that such allegations re-easily made but not so easily substantiated. Transfers are rendered necessary by the exigencies of administration. The proper view to take is that transfers are normal incidents of the working of a bank and they must be left to the discretion of those who guide the policy of the bank and manage its affairs. It is possible that the discretion may be abused and transfers effected on considerations other than the needs of administration. The percentage of transfers as shown by the figures furnished by some of the banks in the course of arguments leads us to the

conclusion that the question of transfer, even as it affects only a very small number of persons. This is conceded by the workmen also. Still wherever an activist of the trade union movement as yet in its formative stage and liable to be crippled easily, is transferred a suspicion naturally arises that it is inspired by ulterior motives and the consequence thereof may be an industrial dispute. In order that such suspicions may be avoided as far as possible we adopting the Sen Award, give the following directions :

- (1) Every registered bank employees' union from time to time shall furnish the bank with the names of the President, Vice-President and the Secretaries of the union;
- (2) Except in very special cases, whenever the transfer of any of the above mentioned office bearers is contemplated, at least five clear working days' notice should be put up on the notice boards of the bank of such contemplated action;
- (3) Any representations written or oral, made by the union shall be considered by the Bank;
- (4) If any order of transfer is ultimately made, a record shall be made by the bank of such representations and the bank's reasons for regarding them as inadequate; and
- (5) The decision shall be communicated to the union as well as to the employee concerned."

The workman has argued that letter dated 19-7-2000 of the management is misconceived. The Bank who was looking to victimize the workman as is evident from the letter No. CR/CRM/ADMN/JD/BKS/3457/98 dated 11-11-98 has misconstrued the legal position of Rules 61(2) and 61(4) of Central Rule 1957. As per provisions contained in Rule 61(2) the list of workmen recognised as protected workman shall be recognised as such for the period of twelve months from the date of such communication. The provisions in this regard have been substituted and inserted in Rule 61 of the Central Rules, 1957 by way of amendment dated 28-5-69 vide G.S.R. No. 1283. Thus the opposite party Bank had no occasion to advice contrary and rather it was/is incumbent upon the opposite party Bank to accept the list of office bearers submitted to it, as such and to treat them as protected workman for twelve months from the date of communication i.e. 9-8-99. Rule 61 leaves no room for choice before the opposite party Bank. The list of office bearers submitted to Bank either before 30th April or just after the new election of the Union, is only to be accepted for the twelve months from the date of communication. There is no hard and fast rule for submission of the list of office bearers only before 30th April. Only submission of the list of the office bearers to be recognised as protected workmen is mandatory and as such the Union is required to submit the list of its office bearers after holding its

election. This was/is the intention of the law framers behind the substitution and insertion in Rule 61 by GSR No. 1823 dated 28-5-69. The opposite party Bank has no option to advice to the Union. It is obligatory on the part of the Bank to accept the list of office bearers as such. It is argued by the workman that being aggrieved with wrong and illegal advice of the opposite party Bank however the worker's union filed another list of office bearers dated 18-1-2000 being before 30th April and as per own advice of the opposite party it was obligatory on the part of the Bank to recognise the office bearers mention in the list as protected workmen within fifteen days. The name of B. K. Shukla finds mention as All India President of the Registered Trade Union i.e. United Bank of India Sramik Karmchhari Samiti in the list submitted on 18-1-2000. The opposite party Bank being adamant for the victimisation of the workman therefore after a lapse of six months issued another letter No. PD/D1R/87/MS/4521/2000 dated 19-7-2000 advising to delete three names of office bearers for recognition as protected workmen. This is a crystal clear example of delay delaying tactic and victimisation of B. K. Shukla. The opposite party Bank with ulterior motive and malafide intention of victimising B. K. Shukla the workman, the elected All India President, arbitrarily and illegally deleted his name from the list of office bearers to be recognised as protected workman in order to create an industrial dispute and as such the Union after collecting all the relevant documents moved an application before the Assistant Labour Commissioner (C), Calcutta vide letter No. WC/ALC/174/2000 dated 18-9-2000 in order to finally decide the matter and to pass the order accordingly as per law. The Assistant Labour Commissioner (C), Calcutta issued the notices to the parties registering dispute No. 7(29)/2000 ALC II held protected discussions on many dated and finally on 12-10-2000 kept the proceedings in abeyance instead of passing the clear orders, though the Assistant Labour Commissioner (C) is competent authority.

Heard the parties on the submission of the workman and perused the Industrial Disputes (Central) Rules, 1957. The relevant rule is Rule 61. Rule 61 is reproduced as below :

"61. Protected workmen.—(1) Every registered trade union connected with an industrial establishment to which the Act applies, shall communicate to the employer before the 30th April every year, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the union should be recognised as protected workmen. Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

(2) The employer shall, subject to Section 33, Sub-section (4), recognise such workmen to be 'protected workmen' for the purposes of Sub-section (3) of the said section and communicate to the union, in writing,

within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workmen recognised as protected workmen for the period of twelve months from the date of such communication.

(3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workmen, admissible for the establishment, under Section 33, Sub-section (4), the employer shall recognise as protected workmen only such maximum number of workmen:

Provided that where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the unions that the number of recognised protected workmen in individual unions bear roughly the same proportion to one another as the membership figures of the unions. The employer shall in that case intimate in writing to the President or the Secretary of the union the number of protected workmen allotted to it:

Provided further that where the number of protected workmen allotted to a union under this sub-rule falls short of the number of officers of the union seeking protection, the union shall be entitled to select the officers to be recognised as protected workmen. Such selection shall be made by the union and communicated to the employer within five days of the receipt of the employer's letter.

(4) When a dispute arises between an employer and any registered trade union in any matter connected with the recognition of 'protected workmen' under this rule, the dispute shall be referred to the any Regional Labour Commissioner (Central) or Assistant Labour Commissioner (Central) concerned, whose decision hereon shall be final."

According to Section 33 no employer shall during the pendency of any conciliation proceeding before a conciliation officer, alter, to the prejudice of the workmen, the conditions of service applicable to them immediately before the commencement of such proceeding for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute, except with the express permission in writing of the authority before which the proceeding is pending. Meaning thereby a protected workman cannot be dismissed by the employer during the pendency of such proceeding in respect of industrial dispute unless there is express permission in writing of the authority. There is an explanation clause in Section 33 which provides as under:

"Explanation.—For the purposes of this Sub-section, a "protected workman", in relation to an establishment, means a workman who, being member of the 'executive or other office bearer' of a registered trade union connected with the establishment, is

recognised as such in accordance with rules made in this behalf.”

As is clear by Rule 61 the trade union has to communicate to the employer before 30th April of every year who are the employees who in opinion of union as protected worker. Rule 61 also provides that any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change. Meaning thereby that the union shall communicate firstly, to the employer for recognition of the protected workmen every year before 30th April, secondly, in case of any change the union should communicate to the employer within 15 days of such change. It cannot be said that in all cases union should communicate before 30th April. The Legislature intended to insert the provision for communicating the change within 15 days of such change in the case where the office bearers are changed.

The Rule 61 also provides that employer shall recognise such workmen to be protected worker for sub-section 3 of 33 and communicate to the union within 15 days of the receipt of the names and addresses, the list of workmen recognised as protected workmen.

In the present case the trade union communicated to the employer by letter dated 9-8-99 for statutory protection of the worker. The letter, which is annexure A to the affidavit of Sh. B. K. Shukla is reproduced below :

“WC/M 05/99

09-08-99

The General Manager (Personnel)
United Bank of India
Head Office
Kolkata

Dear Sir,

Ref : Statutory Protection for workmen.

As per section 61 of the Industrial Dispute (Central) Rules, 1957 we are hereby submitting the names and addresses of Officers of our Union who are employed in our Bank for recognition by the Manager as ‘Protected Workman’—as follows.

Your acknowledgement of the same and communication to us in the above regard as per statute are awaited.

NAME	ADDRESSES
Shri Brijendra Kumar Shukla	Block-K, 301, Kidwai Nagar, Kanpur, Uttar Pradesh.
Shri Prabhat Ranjan Roy	C/o United Bank of India, Ranchi Branch.
Shri Gopal Dash	C/o United Bank of India, Nayapally Branch.
Shri Birendra Chattopadhyay	C/o United Bank of India, Janpath Branch.

Shri Kanti Prasad Banerjee	C/o United Bank of India, Bowbazar Branch.
Shri Prabhakar Chatterjee	C/o United Bank of India, Head Office.
Shri Rabindra Prasad	C/o United Bank of India, Patna Branch.
Shri Ashit R. Shah	C/o United Bank of India, Manek Chowk Branch.
Shri Umapradas Sinha Mahapatra	C/o United Bank of India, Overseas Branch.
Shri Biren Banerjee	C/o United Bank of India, Howrah Branch.
Shri Mrityunjay Ganguly	C/o United Bank of India, Burnpur Branch.
Shri Chittaranjan Sen	C/o United Bank of India, Harish M. Road Branch.
Shri Arabindra Chakraborty	C/o United Bank of India, Lalbazar Branch.
Shri Ashoke Kumar Das	C/o United Bank of India, Head Office.
Shri Tapan Ganguly	C/o United Bank of India, Jagacha Branch.

Thanking you

Yours faithfully,

General Secretary”

The employer failed to communicate to the union within 15 days, which was obligatory for them. Instead, the employer wrote letter on August 11, 1999 offering lame excuse that the communication has not been made before 30th April. The letter of the management is reproduced below :

“Ref. No. PD/IR/83/99

August 11, 1999

The General Secretary,
United Bank of India Sramik Karmchari Samity
Kolkata

Dear Sir,

Ref : Your letter No. WC/M/45/99 dt. 09-08-99

In reply to your aforesaid letter we wish to invite your pointed attention to Sec. 61 of the Industrial Disputes (Central) Rules, 1957, which states that every registered trade-unions connected with an industrial establishment to which the Act applies, shall communicate to the employer before the 30th April every year the names and addresses of such of the officers of the Union who are employed in that establishment and who, in the opinion of the union, should be recognised as protected workmen.

Your letter in this connection is dated 09-08-99 and as per the section stated hereinabove, is not eligible for any consideration from the employer.

Your faithfully,

General Manager (Personnel)”

It is note worthy that the General Secretary of the union submitted the name of 16 workmen including the name of Sh. B.K. Shukla for recognition as protected worker. The union again wrote a letter dated 18-1-2000 for recognition of the protected worker including the name of B.K. Shukla who happens to be the President of the union. Even then the General Manager of the Bank did not recognised. Instead, it shot a letter requesting the names of only 14 persons for recognition. In case only 14 persons were to be protected worker, it ought to have been replied in the letter dated August 11, 99. But at that time this objection was not taken and on 18-1-2000 when the union again requested for protected worker the management replied as under :

"Ref. No. PD/DIR/87/MS/4221/2000 Dt. 19-7-2000

The General Secretary,
United Bank of India Sramik Karmchhari Samity
Kolkata

Dear Sir,

Ref : Statutory protection for workmen.

In terms of Industrial Disputes (Central) Rules, 1957, considering the membership strength of the status of protected workmen.

As your letter No. WC/M/06/2000 dated 18-1-2000 indicates a list of 17 (seventeen) names (three names in excess), we are not in a position to select 14 names out of our choice. We would, therefore, request you to furnish the list of 14 names whom you desire to be treated as protected workmen at your earliest for our doing the needful.

Yours faithfully,

Asstt. General Manager
(D. & I.R.)"

It is noteworthy that in the process the President of the union, Sh. B. K. Shukla was removed on 21-3-2000. The General Secretary of trade union vide letter dated 18-9-2000 lodged the complaint to Assistant Labour Commissioner (C), Calcutta. The complaint addressed to Assistant Labour Commissioner (C), Calcutta dated 18-3-2000 is as follows :

"Ref. No. WC/ALC/174/2000 Dt. 18-9-2000

The Assistant Labour Commissioner (Central),
Calcutta
Office of the Regional Labour Commissioner
(Central)
2nd M.S. Building, 5th Floor, Nizam Palace
234/4, A.J.C. Bose Road
Calcutta-700 020

Sub :—Industrial Dispute arising between General Manager (Personnel) of United Bank of India, Head Officer, 16, Old Court House Street, Calcutta-700 001

and its registered trade union United Bank of India Sramik Karmachari Samity under Rule 61 of Industrial Disputes (Central) Rules 1957 and under Section 33 of Industrial Disputes Act, 1947 due to non-recognition of our President Shri Brijendra Kumar Shukla as protected workman with malafied intention of victimising him subsequently by removing him from the service of the Bank.

Dear Sir,

As per Section 33 (3) and Sub-section 4 and 5 of Section 33 of Industrial Disputes Act, 1947 and in accordance with Rule 61 of United Bank of India Sramik Karmachari Samity had communicated to the General Manager (Personnel) of United Bank of India, Head Office, 16, Old Court House Street, Calcutta-700 001 our list of protected workmen including our President, Shri Brijendra Kumar Shukla, vide our reference No. WC/M45/99 dated 9-8-99. As our union had sent a belated communication, i.e. after 30th April, 1999, after completion of our 9th All India Conference at Calcutta United Bank of India vide their reference No. PD/IR/831/99 dated 11-8-99 refused to recognise our list of protected workmen including our President Shri Brijendra Kumar Shukla. Instead of recognition be made effective from the date of communication from our union and holding it good for the balance of the period of the year concerned, i.e. up to 30th April, 2000 the Bank refused to recognise our list of protected workmen on ground of belated submission.

Once again we communicated to the Bank vide our reference No. WC/M/06/2K, dated 18-01-2000 for recognition of our list of protected workmen including our President Shri Brijendra Kumar Shukla and the same issue had been raised in the 'Structural Sitting' with the General Manager (Personnel) of United Bank of India Head Office.

The Bank vide their reference No. PD/DIR/87/ME/960/2000 dated 26-2-2000 communicated to us that decision in this regard would be taken after check off position of the Bank as on 31-3-2000.

As per Section 33 Sub-section (4) the Bank instead of recognising the list of protected workmen including our President Shri Brijendra Kumar Shukla, the Bank deliberately failed to communicate to our union in writing within 15 days from the date of receipt of our captioned letters once one 9-8-99 and another on 18-1-2000 to victimise our President Shri Brijendra Kumar Shukla by removing him from the service of the Bank on 21-3-2000 on ground of alleged unauthorised absence clearly pointing to malafied intention of the Bank.

At least the Bank vide their reference No. PD/DIR/GRM/IR/87/4788/2000 dated 27-7-2000 communicated to our union the names of 14 protected workmen excluding our President Shri Brijendra Kumar Shukla on alleged ground of he being no more employee of the Bank.

So it is evident that the Bank had hatched a conspiracy to victimise our President Shri Brijendra Kumar

Shukla by not recognising him as a protected workman once from 9-8-99 and again from 18-1-2000 by not communicating to as within 15 days of the receipt of such names including the name of our President whether accepting them or not as protected workmen.

It is further evident that the Act and the Rules do not leave it to the sweet will and pleasure of the Bank to deny the protection to the protected workmen under section 33(3) of Industrial Disputes Act, 1947 on frivolous grounds such as belated communication or belated check off position by withholding the written communication which the Bank is bound to give under Rule 62(1) of Industrial Disputes (Central) Rules, 1957.

As the Bank failed to send us a communication of acceptance of our list of protected workmen within 15 days from the date of receipt of such list, whether intentionally or otherwise, on 16th day or any day thereafter our union could raise a dispute before the Assistant Labour Commissioner (Central) under Rule 62(4) of Industrial Dispute Rules (Central), 1957 about the failure of the Bank to send the communication as required under Rule 62(2) of Industrial Dispute (Central) Rules, 1957 and the Assistant Labour Commissioner (Central) is under a duty to approve the list of protected workmen from its date of receipt, i.e. from 9-8-99 after notice to both the parties and hearing them at the earliest and his order in that behalf would be final.

PRAYER

1. Hon'ble Assistant Labour Commissioner (Central) is requested to issue notice to both the parties at the earliest.
2. He is also requested to hear both the parties at the earliest.
3. He is again requested to approve the Union's list of protected workmen including our President Shri Brijendra Kumar Shukla from the date of receipt of the same, i.e. from 9-8-99.
4. He is also requested to communicate to the Bank that his order is final.

Yours faithfully,

GENERAL SECRETARY"

There is no denial to the fact that Shri B. K. Shukla was the President of the trade union and as contemplated under para 535 of Shashtri Award 5 days notice has been alleged to have been given to the President of union, Shri B. K. Shukla vide letter No. CR/ADM/ROT/TR/75/97 dated 21-11-97 which is evident from the management letter No. CR/CRM/ADMN/ID/BKS/3457/98 dated 11-11-98. The same is reproduced below :

"CR/CRM/ADMN/ID/BKS/3457/98 Dated 11-11-98

The General Manager (Personnel)
United Bank of India
Head Office
16, Old Court House Street,
Calcutta-700001.

Dear Sir,

REG : Non-joining of Shri B. K. Shukla, at Harshnagar branch in terms of order No. CR/CRM/ROT/13/98/ DATED 20-06-98.

Ref : Your letter No. PD/TR/1242/98 dt.23-10-98

With reference to your above cited letter, we have further to state that on 21-11-97 we had issued 72 orders under rotational transfer at Lucknow, Kanpur, Allahabad, Agra and Varanasi based branches (Order No. CRM/CR/ROT-Tr/12/97 to CRN/CR/ROT TR/75/97) and again on 20-06-98 we had issued 12 order including that of Shri B. K. Shukla's order dated 20-6-98 as stated above, out of which four orders were modified by us and 15 orders are kept in abeyance for review/consideration on various grounds.

Before issuing order to Shri B. K. Shukla, we had given a notice to him vide letter No. CR/ADMN/ROT TR/7969 dated 21-11-97 under provision of Para 535 of Shastri Award, giving him 5 days Notice informing about our contemplated rotational transfer orders under our Region. Subsequently Sri B. K. Shukla was released by Kanpur branch on 30-06-98 by displaying the release order on Notice Board at 1-30 P.M. as Shri Shukla did not receive the order and a noting was recorded in attendance register against his name. His transfer sheet was sent to Harshnagar branch, on receipt of which Harshnagar branch entered the name of Shri B. K. Shukla in the attendance register of their branch in the month of July '98 and carried forward his name in attendance register onward whereas Shri Shukla has not reported for joining the duty so far. A letter dated 25-07-98 was issued from Regional Office to Sri B. K. Shukla at Harshnagar branch address and another letter dated 20-7-98 was issued by Harshnagar branch informing him about not joining at Harshnagar branch on 1-7-98 after being relieved from Kanpur branch on 30-6-98 and that his absence was being treated as unauthorised. Harshnagar branch also in their letter dated 28-7-98 informed that his salary will not be drawn for the month of July 1998.

However, UBI Samik Karmachari Samitee, the Union, through its so called Regional Joint Secretary Sri Nand Kishore and Sri KD Pandey have raised a number of Industrial dispute one after another challenging rotational transfer of award staff in this Region and the transfer of Sri B.K. Shukla from Kanpur branch to Harshnagar and had also filed Writ petitions at Allahabad High Court vide Writ No. 40397 of 1997 and Writ No. 40585 of 1997 in the matter of rotational Transfer Policy and 72 numbers of Rotational Transfer orders albeit there is no restrained order on the bank on both the Writ matters. At ID

vide No.-K-7/1-53/98-E-2 dated 7-8-98 regarding rotational transfer of Sri B. K. Shukla and Sri O. S. Misra is still not closed and the opposite party has been demanding various documents and records on different date and conciliation is pending at Asstt. Labour Commissioner (C), Kanpur, next date fixed for conciliation is on 19-11-98. The earlier ID case transfer was closed in failure July 1998.

Under the foregoing circumstances, we have not initiated any action so far against Sri B. K. Shukla for his continuous absence for a period exceeding 30 days or his absence continuously for more than 90 days (under clause 17a of Bipartite Settlement dated 10-4-89) in view of pending ID cases not yet closed in failure and in order to avoid further twist being given to his case by Sri B. K. Shukla. Moreover, Sri B. K. Shukla is not being paid any salary from Harshnagar branch since he has not joined the branch yet and we did not contemplate initiating disciplinary action during pendency of Industrial Dispute and Court Cases.

However, we solicit your valuable opinion in this matter.

Please acknowledge receipt.

Your faithfully,

CHIEF REGIONAL MANAGER."

It is not denied that workman Sri B. K. Shukla was the President of the registered trade union connected with the industrial establishment to which Act applies, it is also not denied that workman's trade union vide letter dated 9-8-89 communicated to the employer the names and addresses of the office bearers employed in that establishment and who in the opinion of the union should have been protected workmen but, the management overlooking the provisions contained in Rule 61 of Industrial Disputes (Central) Rules, 1957 failed to comply the provision in the Rule 61(2) within 15 days of receipt of names and addresses of the office bearers and employer took lame excuses on 11 August, 1999 that communication should have been made to employer before 30th April every year. According to rule 61 whenever there is any change in the incumbency of office bearers is should be communicated to the employer by the Union within 15 days of such change. The management ought to have recognised the list of office bearers within 15 days of such communication. On the discussions and legal position as mentioned above Sri B. K. Shukla the President shall be deemed to have been recognised in case no communication is received about non-recognition by the Union.

According to Section 33 (3) of the Industrial Disputes Act, 1947 employer is prohibited during the pendency of proceedings in the Industrial Tribunal-cum-Labour Court and conciliation proceedings to take any action against the protected workman concerned in such dispute by altering the conditions of service applicable to him immediately before the commencement of such proceeding

or by discharging or punishing, whether by dismissal or otherwise, such protected workman.

Admittedly the industrial dispute was pending as is evident from cross-examination of Shri Bankim Chand Tola, Dy. General Manager. The relevant extract is reproduced below :

- "प्र. 8. दौराने निष्कासन कार्यवाही I.D. Case No. 200/99 सम्बन्धित K-7 (15B) E-98 लम्बित था ?
उ. यह ओवर टाइम से सम्बन्धित था।
प्र. 9 क्या ओवर टाइम वेतन की परिभाषा में नहीं आता और क्या मैं उसमें पक्षकार नहीं था ?
उ. यह सही है कि ओवर टाइम वेतन की परिभाषाओं में आता है और आप प्रेसीडेंट के हिसाब से पार्टी थे"

It is also admitted fact that the Chief Regional Manager, Shri Anant Ram Gupta, United Bank of India circulated the scheme of Rotational Transfer on 16-10-97 bearing reference No. PO/IR/29/O&M/213/97 mentioning clearly that the award staff will stay at one branch/office for 5 years or more will come under the purview of the scheme of Rotational Transfer, but an Award Staff of 55 years of age or more will not be transferred under this Scheme.

The management has argued that the officials who have come under the policy of the rotational transfer have been transferred without any malice and/or ill motive and in this process there may be instance that the persons who have become eligible for getting the functional allowance for the posts created subsequent to issuance of transfer orders and to fill up such vacancies the Management has agreed as per policy guidelines of the Bank which have been settled after due negotiation with the Central Trade Union leaders at the apex level. The management has not in any way ordered transfers in contravention with the provisions of Sashtri Award in the matter of transfer or to make the workmen to suffer economic loss in wages or other monetary benefits by way of any punishment i.e. there is no colourable exercise of the power of transfer of the workmen so as to victimise them.

The workman B. K. Shukla has been transferred accordingly on 30-6-98. The question is whether the management has ordered transfer for victimising the President of the Union or otherwise.

The workman has filed letter No. CR/ADMN/ Rotational Transfer/8200/97 dated 13-12-97 regarding the management's letter dated 21-11-97 through which the management advised the President of the Union to submit his written submission in regard to notice issued in reference to para 535 of Sashtri Award. This letter goes to show that 5 days notice was issued to the workman B. K. Shukla who was President of Shramik Karmchari Samiti about his transfer wherein he was asked to explain that why he should not be transferred to some other branch of Kanpur as per Rotational Transfer policy of the Bank. The workman vide letter dated 13-12-97 was again given 5 days notice. This makes clear that the management of the Bank recognised him as the President of the Union.

It is also clear that the workman, B. K. Shukla in the capacity of President instituted various conciliation and industrial dispute proceedings at various stages. The workman in the capacity of President serve strike notice on the management of the Bank. He also instituted various proceedings in the Criminal Court as well as he filed several Writ Petitions in the High Court. All this goes to show that he was a trade union activist and it is also on the record to show that he is an old trade union activist. It is evident that the management had to attend to all those proceedings before the Conciliation Officer, Industrial Tribunal Criminal Courts and High Court. It could be inferred in the ordinary course that the management could not be expected to be happy over the activities of the President of the Union i.e. B. K. Shukla.

Following facts are necessary which remain unrebutted.

1. The defamation case was filed against the Chief Regional Manager, Shri Anant Ram Gupta under Section 499, 500.
2. Contempt petition case No. 388 of 1999 was filed before Hon'ble High Court against Chief Regional Manager, United Bank of India.
3. The workman was 54 years 8 months of age when he was transferred from Birhana Road Branch of the Bank under the cover Rotational Transfer. As a result of transfer order the workman was alleged to have been relieved on 30-6-98 from Birhana Road Branch to Harsh Nagar Branch of the Bank.
4. Proposed punishment or removal from service is dated 6-3-2000 and final order was passed on 21-3-2000.
5. The industrial dispute case No. 260/99 was pending at Central Government Industrial Tribunal-cum-Labour Court, Kanpur which was filed by B. K. Shukla, President pertaining to over time of employees of the Bank and it is also admitted fact that over time are wages. It is also admitted fact that conciliation proceeding was pending before Assistant Labour Commissioner (C), Dehradun as on 6-3-2000 and it was closed on 16-3-2000. However, the order of closure was passed on 23-3-2001.
6. Shri B. K. Shukla was the senior most clerk in Birhana Road Branch of the Bank at Kanpur.
7. According to United Bank of India General Manager (Personnel)'s Circular No. PD/IR/16/OM-55/98 dated 25 May, 1998 the selection for Encoder Operator was to be made on the basis of seniority from among the employees securing atleast 50% marks in the aptitude test. According to letter of United Bank of India Circular No. PD/IR/OM-803/90 dated 3-7-1990

a teller in a branch was to be selected from amongst the clerical staff on the basis of seniority on the following basis :

- | | |
|-------------------------|----------------------------------|
| (a) Master Degree | 3 years |
| (b) Bachelor Degree | 2 years |
| (c) CAIIB (Part-I & II) | 2 years (one year for each part) |

9. The workman's contention is that the management with view to deprive the workman from higher wage carrying post in a well designed conspiracy and used the weapon of transfer as a result the service conditions of the applicant is changed.
10. Punjab National Bank required the United Bank of India to send names of eligible candidates for Encoder Operator but the management of the United Bank of India avoided so that the workman may not get the benefit of special allowance. The management instead of sending name for Encoder Operator training struck off workman's name from the rolls of Branch on 30-6-98 (Afternoon) so that the workman should not get this post. Thus, the Bank devised ways to take the work of Encoder Operator from certain employees by way of temporary arrangement and very junior persons enjoyed the benefit. Due to striking off the name of the workman and transferring him to Harsh Nagar Branch the workman's seniority which is Branch wise became in operative. At no other Branch of the Bank the post of Encoder Operator exist. Had the workman was not asked to move from Birhana Road Branch he would have got the post of Encoder Operator as per eligibility norms. The workman is a graduate and acquired more than 30 years experience in banking work. This fact has not been rebutted by the management.
11. It is also unrebutted that the post of teller operator exists only in Kanpur Main Branch Birhana Road out of five branches of United Bank of India at Kanpur. The present post is vacant since year 1998. The post of teller operator is allowance carrying post and is meant for senior most clerk of the Branch. But the management was adamant to cause economic injury and therefore struck off the name of the workman from muster roll. It resulted that the workman was deprived from the promotional post of teller operator and his very junior in Main Branch was given this post by the Bank.
12. The workman was removed from service during pendency of industrial dispute in which he was concerned.

13. The workman was a protected worker.
14. No application for permission was moved before the appropriate forum for discharging and punishing the workman for express permission of the authority before which the proceedings were pending.
15. It is noteworthy here that neither there was any offer to the workman B.K. Shukla for paying him wages for one month nor there was an application moved to the authority for approval.

The management has tried to say that when a panel for sending members of staff for encoder operator training, the workman was called for interview, but he did not participate. Hence, his name was not considered. He has tried to make above submissions through affidavit of Shri Anurag Srivastava, Dy. Regional Manager, United Bank of India, Regional Officer, Central Region, Lucknow in which he has stated that he is fully conversant with the facts of the case but when he was questioned about the facts of the case in cross-examination he showed his ignorance of unawareness about the facts. He has shown his ignorance about existence of trade union, its registration and its President. He could not say whether any post of teller operator came to existence on 29 June, 1998. From his statement it cannot be considered that Shri Anurag Srivastava is truthful witness nor it could be believed that workman was called for interview for encoder operator. Workman has denied the allegations of Anurag Srivastava in his counter affidavit.

It is admitted fact that the clearing is conducted by Main Branch of United Bank of India which is Birhana Road Branch and post of encoder and teller operator exist in the Main Branch, Birhana Road alone. It is also admitted fact that the clearing house, MICR is Punjab National Bank. It is also admitted fact the encoder operator is appointed on the seniority of the Branch and similarly the senior teller operator is also the senior most employee. This is also admitted fact that an allowance is payable of such teller operator or encoder operator. From the facts on record it is clear that the management was not in favour of giving or offering any opportunity to the workman in respect of encoder operator or teller operator. From the conduct stated above which is supported by evidence on file, it is established beyond doubt that the workman who was President of the Union and who indulged in espousing cause of the employees was harassed by transferring him and ultimately removing him from service without offering any payment towards wages.

From the fact on record, I come to the conclusion that the management of the Bank violated the provisions of law contained in Industrial Disputes Act, Section 33 by removing the workman from service without obtaining any permission and without paying any salary. It is a clear case

of victimization of trade union workman who had been President of the Trade Union and the management in a well-calculated move removed him from services prior to his retirement date i.e. October, 2003. The Hon'ble Supreme Court of India in M.D., Tamil Nadu State Transport Corporation and Neethivilangan published in 2001 (90) FLR 27 has held as under :

"Sub-section (2) deals with alteration in the conditions of service or the discharge or punishment by dismissal or otherwise of the workman concerned in the pending dispute but in regard to any matter not connected with such pending dispute. Though this provision also places a ban in regard to matters not connected with the pending dispute, it leaves the employer free to discharge or dismiss a workman by paying wages from one month and making an application to the authority dealing with the pending proceedings for its approval of the action taken. There is a distinction between matters connected with the industrial dispute and those unconnected with it. Thus, a balance between the interests of the workmen and the employer is sought to be maintained in the provisions of Section 33. The actions taken under Section 33(2) will be come effective only if 'approval' is granted. If the 'approval' is refused, the order of dismissal has to be treated as non-est and the workman will be taken never to have been dismissed."

In the circumstances I come to the conclusion that the dismissal order is to be treated as non-est and the workman will be taken never to have been dismissed and application is accordingly allowed.

Now the question is what should be proper relief in such a case where a workman who has put in about 30 years of service in the Bank and who has not been paid a single penny since 30-6-98. No doubt he has suffered mental torture besides financial hardship, which cannot be compensated by money. He has become victim to his trade union activities and the management has finally been successful in ousting him from trade union activities. The management is therefore directed to pay the entire salary with all consequential benefits including increments within a period of two months from the date of notification of award. In default the management shall pay interest @ 12% from the date the amounts to be paid is due in the particular day of each month. The management is also directed to pay Rs. 150/- per month as compensation for the sufferings of the workman within the period of two months from the date of notification of award. In default the management shall pay interest @ 12% on the amount.

Lucknow

SHRIKANT SHUKLA, Presiding Officer

24-3-2004

नई दिल्ली, 1 अप्रैल, 2004

का०आ० 1023.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/भ्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 8/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-4-2004 को प्राप्त हुआ था।

[सं. एल-12011/20/2001-आई०आर० (बी-II)]

सी० गंगाधरण, अवर सचिव

New Delhi, the 1st April, 2004

S.O. 1023.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 8/2001) of the Central Government Industrial Tribunal/Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen, which was received by the Central Government on 01-04-2004.

[No. L-12011/20/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present :— Shri E. Ismail, B.Sc., LL.B.,
Presiding Officer

Dated the 10th day of March, 2004

INDUSTRIAL DISPUTE NO. 8/2001

Between :

The General Secretary,
Andhra Pradesh Bank Workers
Organization, 1-8-565/5,
RTC 'X' Road,
Hyderabad-500020.

.... Petitioner

AND

The Regional Manager,
Central Bank of India,
Bank Street, Koti,
Hyderabad-500 020.

.... Respondent

Appearances :

For the Petitioner : M/s M. Pandu Ranga Rao
& M. V. Rama Rao, Advocates.

For the Respondent : M/s A. Krishnam Raju,
G. Dinesh Kumar &
G. V. N. Babu, Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-12011/20/2001-IR(B-II) dated 26-4-2001 referred

the following dispute under Section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of Central Bank of India and their workman.

SCHEDULE

“Whether the action of the management of Central Bank of India, Hyderabad in terminating the services of Sri T. Srinivasa Rao, Attender is legal and justified? If not, what relief the workman is entitled to?”

This reference was registered as Industrial Dispute No. 8/2001 and notices were issued to the parties.

2. The brief averments of the claim statement are: That the Petitioner was appointed as attender in the Respondent-bank with effect from 1-7-1976. He was assigned the duties of Dafthari in the year 1990 and posted to work at Begum Bazaar branch of the Respondent. That on 29-6-95, the officials of Central Bank of India, Begum Bazaar Branch forced the workman to give a letter in writing under threat of arrest by the police. That he had manipulated the bills with regard to the purchase of stationery, Gas for the light and claimed excess amounts and utilized the same. Therefore he was kept under suspension by the Regional Manager, Central Bank of India, Hyderabad vide Memo dated 14-7-1995 on the ground of misappropriation of bank funds, tampering the P&L vouchers of table stationery and other items. It is submitted that it was the first memo with regard to the said allegation and prior to that no memo or oral enquiry was conducted against the workman. Therefore after he was issued with charge sheet in the year 1995. Framing two charges alleging that the workman has misappropriated the bank funds by tampering the P&L vouchers relating to the supply of table stationery and other items to the bank to the extent of Rs. 1,162/- and fraudulently received an amount of Rs.2858.10. ps by preparing P&L debit vouchers without any bills. An Enquiry Officer was appointed and the enquiry was conducted. The Enquiry Officer, without asking the Management to prove the charges asked the Petitioner to disprove the charges, which is illegal an arbitrary. Though the workman has denied the charges, the Enquiry Officer with connivance of the Presenting Officer recorded the proceedings in English and held him guilty. When he protested he was said that nothing would happen to him. The report was submitted on 24-3-1996 holding the workman guilty of charges. A personal hearing was given on 18-5-96 with regard to the proposed disciplinary action. That he has been made a victim of the fraud played by the Accountant and other employees of the branch which was further perpetrated by the Enquiry Officer. He was dismissed from service vide orders dated 28-5-96 and the Appellate Authority without considering to these things confirmed the punishment of dismissal from service on 22-10-96. As conciliation proceedings failed before the Regional Labour Commissioner(C), hence this reference.

3. It is the duty of the Dafthari to carry files from one cabin to another and to the record room. It is duty of the concerned clerk to prepare the vouchers with reference to the bills submitted by the seller and these bills and vouchers have to be sanctioned/passed by the Branch Manager and in his absence by the Accountant only after proper verification. That only to escape the liability the blame was thrown on him. Hence, it may be held that the enquiry is bad, vitiated and workman is entitled for reinstatement with continuity of service.

4. A counter was filed stating all those facts as averred in the claim statement. That a charge sheet was given to the Petitioner and an enquiry was conducted fairly. That the punishment of dismissal is highly disproportionate to the charges levelled against the workman.

5. It is submitted that the misconduct of the workman Sri T. Srinivasa Rao shows that moral turpitude on his part and he has pleaded guilty of his charges and no sympathy shall be shown to him or the said amounts were reimbursed by the workman. Hence, the petition may be dismissed.

6. Arguments were heard on the validity of domestic enquiry and this Court held by its order dated 29-4-2002 held that the enquiry was held in valid because the entire reliance was on the alleged confessions of the Petitioner and no witnesses were examined and that the Petitioner complained that everything was taken by force. Therefore held that the enquiry was invalid on 29-4-2002. Accordingly Management examined MW1 Sri A. Bhaskar Rao, Senior Manager with the Respondent bank. He deposed that during the month of May, 1995 internal audit took place at Begum Bazaar branch. The auditor pointed out some irregularities relating to purchase of table stationery and other stationery at the branch. That no bills were attached to the debit vouchers and amounts were inflated and pointed out that the Petitioner herein T. Srinivasa Rao took the advantage of these amounts. Ex. M1 is the report of the Chief Internal Auditor dated 26-6-95. After Ex. M1 was received they received a letter from Begum Bazaar branch stating that the Petitioner herein Srinivasa Rao had given a confession which is Ex. M2. Enclosing the confession of Srinivasa Rao written by him in Telugu dated 29-6-1995 which is Ex. M3. After receipt of Ex. M2 enclosing Ex. M3, the Regional Manager directed him to go and look into the facts at Begum Bazaar branch on 12-7-95 and he verified all the vouchers pointed out in Ex. M1 he was also informed by staff members that T. Srinivasa Rao himself owned the vouchers and received the amounts by signing on the back side of the vouchers. Ex. M4 is his report to the Regional Manager after having inspected and verified at Begum Bazaar branch dated 13-7-1995. After his report Srinivasa Rao was suspended. Ex. M5 is the suspension letter dated 14-7-95. Ex. M6 is the charge sheet dated 5-9-1995. Ex. M7 is the corrigendum dated 4-11-1995.

7. In the cross examination he deposed that he went to inspect and look into the matter on 12-7-95. Srinivasa Rao was not there in the office. Hence, he could not enquire from him. At the relevant time there was shortage of staff. In general clerical staff will prepare the vouchers. Accountant or in his absence Manager will prepare the vouchers. For petty amounts formal receipt is not insisted and it will be passed by Accountant or Manager as the case may be. It is not true to suggest that Ex. M4 his report is based on assumptions and not based on facts.

8. In the re-examination, he deposed that Srinivasa Rao was given a punishment of withholding two increments with cumulative effect for giving false T.C. and false declaration about his educational qualification in the application form for securing employment. Ex. M8 is the show cause notice dated 10-9-1986. In the instant case besides Srinivasa Rao the accountant Sri L.R. Kulkarni was awarded a punishment of stoppage of two increments without cumulative effect for negligence in passing the vouchers. Sri L.R. Kulkarni was issued with charge sheet for negligence and procedural lapse. There was no regular enquiry against L.R. Kulkarni.

9. One Mr. P. Srinivasa Chary was examined as MW2 who worked as Manager (Retired) with the Management. He deposed that the misappropriation and tampering of bills by the sub-staff T. Srinivasa Rao has come to light during the course of audit. The internal auditor asked Mr. Srinivasa Rao to produce the relevant bills as the bills used to be kept in the safe custody by him only. Further the items which were purchased and costs paid by purchase by T. Srinivasa Rao. As the said items used to be the day to day requirements of the branch. Almost all the vouchers pertaining to purchases of table stationery and other stationery appears to be prepared by T. Srinivasa Rao himself and the payments received by him. All the vouchers -which have been affixed with the stamp 'pay cash' were passed by Kulkarni, Accountant. It is the practice of the branch to entrust purchase of table stationery and various items for day to day requirements of the branch, to Mr. Srinivasa Rao and passing the vouchers for payments by the accountant. The internal auditor on pursuing the vouchers has observed that the bills have been inflated duly making certain additions and corrections to the original bills. Having identified that Srinivasa Rao in alone was responsible in altering the figures of the bills and vouchers, he has questioned him in detail and inferred that his observation is true. Further he also observed that some of the vouchers which were prepared and encashed by Srinivasa Rao were devoid of any supporting bills as Srinivasa Rao expressed to him that the bills in question were not traceable. Further when the internal auditor questioned Srinivasa Rao verbally he confessed and internal auditor concluded his audit on 22-6-95 and Mr. Srinivasa Rao went on leave from 24-6-95 onwards. Suddenly on 29-6-95 Srinivasa Rao walked into his chambers and handed

over representation in Telugu with a request to forward the same to the Regional Office for their sympathetic consideration which was Ex. M3 and was forwarded by the branch vide letter dated 1-7-1995, Ex. M2.

10. So after Mr. Bhaskar, DCO, Personnel, was deputed to the branch to investigate into the matter. On doing so Mr. Bhasakr Rao has submitted a report to the higher authorities and also confirmed the report of the internal auditor. The Regional Office has issued charge sheet on the grounds of misappropriation of bank funds by way of tampering vouchers etc. as detailed in the charge sheet Ex. M6 and M7. Towards ensuring the genuine bill amounts rates of various table stationery, gas-refilling, etc., pertaining to the disputed bills of the branch has written to the suppliers to furnish the bill amounts for the items purchased for the branch on specific dates. Ex. M9 is the office copy of the letter dated 13-10-1995 addressed to M/s. Mini Gas Agencies which is Ex. M10. They have given the rates of the purchases of the specific dates which on verification has revealed the tampering of the bill amounts. The bills purchased by Srinivasa Rao shows that they have been tampered. Ex. M17 to M148 are vouchers which are produced by Srinivasa Rao to claim the amounts. The amounts were received by Srinivasa Rao by signing on the reverse.

11. In the cross examination, he deposed that it is true that he was not present when internal auditor questioned Mr. Srinivasa Rao. He denied that he called Mr. Srinivasa Rao when he is on leave on 29-6-95 under the threat that he would be handed over to police unless he writes such a statement. It is true that no memo was issued to Mr. Srinivasa Rao, making any allegations against him. That the vouchers Ex. M17 to M48 are not relevant to the charge sheet. He denied that Petitioner is not responsible.

12. MW3 Sri K. Ramachandra Rao, E-grade cashier with the Respondent bank deposed that when he worked at Begum Bazaar branch, Daftary and cash peons and other peons used to purchase table stationery and other miscellaneous things. Daftary used to purchase and bring stationery required by the branch. The vouchers relevant to the stationery items have to be prepared by the clerical staff but when the clerical staff is busy they used to prepare the vouchers themselves. The payments under these vouchers were received by the sub-staff whoever brought the items from the market by signing on the back of the vouchers. Mr. Srinivasa Rao signed on the back of the vouchers Ex. M18, M26, M28 to M46, M48 to M50. That he can recognize the signature of Mr. Srinivasa Rao and on the said exhibits he only signed. In the cross examination he deposed that when the temporary staff purchased the material their signature was not obtained to the vouchers.

13. The Petitioner examined himself as WW1. That he went on leave on 25-6-95 due to his ill-health. On 29-6-95 the Manager of the branch Sri P. Srinivasachari sent one temporary attender by name Laxminarayana to

ask him to come over to the branch. Accordingly he went to the branch immediately. He was called in the chamber of the Manager and he wrote a letter dated 29-6-95 as dictated by the Manager and before that neither he was informed orally nor in writing about the misappropriation of the amounts by tampering P&L vouchers. Only on 5-5-96 he received a charge sheet. All the articles mentioned in Ex. M17 to M50 are not purchased by him. Sometimes temporary attenders were asked to purchase the stationery and other items but he was asked to prepare the vouchers and sign as if the amounts were received by him. But he cannot say what are the items purchased by him and others from Ex. M17 to M50. He has not done any alterations in the bills filed under Ex. M11 to M16 and nor inflated the amounts. In the cross examination he deposed that before Ex. M6 charge sheet he was issued with a charge sheet by the bank for submitting a certificate having passed 7th class though by that time he studied upto to X class. That he admitted the charges levelled against him and the punishment of stoppage of two increments. He does not remember whether he submitted leave application on 24th or 25th June, itself. That he is a member of All India Bank Employees Association. He did not report either to the union or to the police about obtaining Ex. M3 letter forcibly from him by the bank officials under the threat of handing over him to the police. The signatures of Ex. M18 to M26, M28, M46, M48 to M50 are his signatures. He might have received some amounts under this exhibits. He does not remember whether he reported for duty after proceeding on leave from 25-6-95 onwards. He does not remember the name of the shops from where he used to fill the gas in petromex lights. There might be a gas filling station by name Mini Gas Agencies. He denied that he inflated the original amounts under Ex. M11 to M16 and claimed excess amounts.

14. It is argued by the Learned Counsel for the Petitioner that the workman was appointed as an attender in the Respondent bank with effect from 1-7-76. He was assigned the duties of Daftary in the year 1980 and was working at Begam Bazar branch at the relevant time. While so on 29-6-95 the concerned workman was on leave. He was called by the Branch Manager to the bank and was threatened and forced to give a letter in writing that he was responsible for claiming excess amounts by inflating P&L bills and vouchers. It is submitted that this letter was taken by coercion and under threat of handing over him to police. Thereafter he was placed under suspension. That this Court by an order dated 29.4.2002 held that the enquiry is vitiated and granted permission to the bank to prove the charges before this Hon'ble Court by adducing evidence. The Respondent examined three witnesses in support of the charges and through them marked Ex. M1 to M50. Two charges were levelled against him. One is that he misappropriated the bank funds for his personal use by tampering vouchers of the bills relating to the supply of stationery and other items to the extent of Rs. 1162/-. The second charge is that the workman has fraudulently

received an amount of Rs. 2858/- by preparing himself P&L debit vouchers without any bills on different dates. To this charge sheet a corrigendum was issued which is Ex.M7, wherein certain items were deleted and amounts in certain items were reduced. That three witnesses are examined MW1 to MW3.

15. That MW1 who is working as Senior Manager has admitted in the cross examination that for petty amounts formal receipt is not insisted upon, from this statement it is clear that there need not be bill for every voucher passed with reference to the expenditure. Since the amounts mentioned in charge No.2 are petty amounts the amounts must have passed without bills. If at all there is doubt about the genuineness of the expenditure made, the Passing Authority should have insisted upon production of the bill. Having passed the voucher and released the payment now the Respondent bank cannot say that the workman had fraudulently received the amount. Now, the Respondent bank had already submitted that there is no evidence in support of charge No. 2, it has to be held as not proved and should therefore, be withdrawn. So far as charge No. 1 is concerned, the gas would supposed to be purchased from M/s. Mini Gas Agencies seeking details of the amounts under the bills wherein the amounts were said to have been drawn by the workman. M/s. Mini Gas Agencies was only supplying gas cylinders whereas under charge No. 1 the payments mentioned relate not only purchase of gas but also stationery and other items. In fact, the amounts relating to gas items are only six in number out of 17 items mentioned in charge No. 1. The Respondent did not even try to get information with reference to supply of other items. Further Ex. M10 letter cannot be relied upon to prove the charge against the workman since it is not made known before the Hon'ble Court as to who wrote the said letter and how it reached the bank. When a document is sought to be relied upon the author of the said document should be examined. In fact MW3 who was working as a clerk at relative point of time as admitted in the cross examination and there was also other temporary staff working at that time in the branch and they also used to purchase material but for payment to be made for those items, the signatures of regular staff were used to be obtained on the vouchers to show the payments. This itself clearly establishes that though there were signatures of the workman on the vouchers marked before this Hon'ble Court, it cannot be said that all the amounts mentioned on those vouchers were received by him. In fact MW3 has also stated in the cross examination that Ex.M28 and M30 vouchers were prepared by Kalavathi and M.S.N. Rao respectively who were working as officers at that time. It was held by Hon'ble Supreme Court in 1999 (2) page 10 wherein, it was held that, "provision permitting bringing on record statement of a witness without producing him at the domestic enquiry-conditions precedent for invoking-held, can be invoked only when the presence of the witness cannot be procured

without undue delay, inconvenience or expense and not otherwise". He also relied on 1998 (3) Supreme Court cases page 227 wherein it was also held by the Hon'ble Supreme Court that any statement recorded behind the back of a person cannot be made use of against him, unless the person who is said to have made the statement is made available for cross examination to prove its veracity. As already submitted, Ex.M3 letter dated 29.6.95 which was written by the workman was written under coercion that he would be handed over to the police. That the said letter is taken by him by the Branch Manager after calling him from leave. The Petitioner's Counsel relies on 1999 (2) SCC wherein it was held that, "Departmental enquiry—Judicial review—not totally barred—Finding of guilty although would not be normally interfered with, held, the court can interfere therewith if the same is based on no evidence or is such as could not be reached by an ordinary prudent man or is perverse or is made at the dictates of a superior authority". He also relies on 1998 (3) Supreme Court Cases page 227 wherein it was held that, "a Government servant charged of living together and having extra-marital sexual relationship with a lady—CAT setting aside the punishment of compulsory retirement on account of want of evidence to substantiate the charge, on the ground that similarity of handwriting, signature or telephone numbers that the name occurring in certain documents was that of the delinquent employee only one of seven documents was proved. The said documents allegedly containing the statement of the lady in question and the Disciplinary Authority without offering her for cross examination. The witness in whose presence the said statement was allegedly made had not spoken to the details of the contents thereof. Their Lordships refused to interfere with the finding of the CAT. He further submits that this case applies in all force to the present case wherein the Mini Gas Agencies was not examined and even according to MW1 Senior Manager, that for petty amounts formal receipt is not insisted upon. Since the amounts mentioned in charge No.2 are petty amounts. The amounts must have been passed without bills. If at all there was doubt about the genuineness of the expenditure made the passing authority should have insisted on production of the bill. Now, they cannot turn round and say that the bill is passed without expenditure. Hence, he submits that the order of dismissal may be set aside and the Petitioner may be reinstated with full back wages.

16. It is argued by the Learned Counsel for the Respondent that the amounts altered in bills is approximately in Rs. 875 for gas refilling and Rs. 287 in table stationery. It appears that the benefit has been taken by the Petitioner herein. However, the accountant has passed the vouchers in negligence and without verifying the rates etc. They do not find any malafide intention on the part of the accountant. As there was no control on each P & L voucher and all the bills for verification the officers of the branch were not in a position to confirm that

all stationery was received and fully paid. That it is their opinion that misappropriation of about Rs. 5000 to 7000/- has been made. That Shri T. Srinivasa Rao, Daftry has benefits. Incharge has not signed that having received the articles. He further submits that the chargesheeted employee has admitted his charge and denied the second charge. So even admitting that the first charge is proved because of his admission it can be clearly seen that itself is a sufficient ground to remove him from service because when a person goes to the extent of altering the bills he cannot be continued in the office without peril to the customers interest. Not only that he had second time also said that he pleads guilty to the first charge and he has also admitted that he has prepared all the vouchers pertaining to the second charge. He has searched for the bills but could not get it. Being Daftry of the branch he is responsible for the bills and vouchers. As these bills are not available he has no alternative left but to accept the second charge also and he pleaded guilty for the second charge also. In his explanation he gives that his 'daughter was married in May, 1994. He has availed a marriage loan and other loans from the society. He was in lot of financial problems during this period. Added to this his wife was suspecting him of having relationship with another lady. Due to this, there was no peace in the family. That his wife and her relatives attacked him on number of occasions and even poured acid on him. Though he wanted to lodge complaint at Police Station but on deciding that she will go behind bars because they forced him and his father to divide the house which is his ancestral property. He has no means to make his ends meet, he has unwittingly committed mistakes. That he has served for 20 years. So he submits what is it, what mere the Enquiry Officer had to conduct the enquiry. He has categorically admitted and also given the circumstances due to which he continued to misappropriate. Added to that this Hon'ble Court by order dated 29.4.2002 has held that the enquiry is not valid and accordingly three witnesses were examined on behalf of the Management bank. They have marked Ex.M1 the report of the Chief Internal Auditor. Further Sri Srinivasa Rao had given a confession which is Ex.M2 dated 1.7.95 enclosing the confession of Srinivasa Rao written by him in Telugu which is Ex.M3. That MW1 has further deposed that Srinivasa Rao himself own the vouchers and received the amounts by signing on the back side of the vouchers. That MW2 who has retired was working as the then bank Manger. He had deposed that the misappropriation of funds that is tampering of bills. That the sub-staff has to come to light during the course of audit. The internal auditor asked Sri Srinivasa Rao to produce the relevant bills as the bills used to be kept in custody by him only. Further the items were purchased by Srinivasa Rao. Not only that a reply was also received from Mini Gas Agencies which is marked as Ex.M10. It may be seen that the bills are tampered. They are Ex.M11, M12, M13, M14, M15 and M16, which goes to show that he has tampered. Further in Ex.M10 the

details are given for how much amount the bills were and there can be no other conclusion that it was the Petitioner who has tampered. MW3 is the cashier who deposed that Srinivasa Rao signed on the back of the vouchers marked as Ex.M18 to M26, M28 to M46, M48 to M50. He has received the cash. That he can recognize the signature of Srinivasa Rao on the said exhibits. So he submits that the case is fully proved. Although the Hon'ble Court held that the enquiry is not valid, yet, the same was proved by evidence in the Hon'ble Court.

17. It may be seen that on holding the enquiry as invalid by this Court the Management examined three witnesses MW1 to MW3 and the Petitioner himself examined as WW1. In order to appreciate the rival contentions of both the parties it is better to go first to the evidence of WW1 who deposed that he was on leave due to ill-health from 25.6.95. On 29.6.95 the Manager of the branch sent one temporary attender by name Sri Laxmi Narayana to his house asking him to come over to the branch then he was called to the chamber of the manager and was informed that there was discrepancy in P&L vouchers of stationery and other items and asked him to give a letter that he is responsible for the same. When he refused to do so he was threatened by the Branch Manger and also by Sri Raghuvir who was Joint Secretary of the All India Bank Officers' Association and Sri Dhananjyachari who was also officer bearer of the officers' association, that unless he given in writing that he is responsible for the discrepancies in P&L vouchers he would be handed over to the police. He gave a letter dated 29.6.95 as dictated by the Branch Manger. That he is not involved in any misconduct for alteration of the bills and vouchers. That he was not informed orally or in writing except that charge sheet was issued to him dated 5.9.95. Sometimes temporary attenders used to purchase the stationery and other items but he was asked to prepare the vouchers and signed as if the amount was received by him. This was done as the names of temporary attenders cannot be shown on record. That he has not done any alteration in Ex.M11 to M16 of the Mini Gas Agencies. In the cross examination he deposed that before Ex.M6 chargesheet which is subject matter of this case, he was issued with a charge sheet by the Respondent bank for submitting a certificate having passed 7th class by that time he has studied upto 10th class. That he admitted that charge levelled against him and punishment of stoppage of two increments was given. That he did not report either to the union or to the police about obtaining Ex.M3 letter forcibly by the bank officials. The signatures on the back of vouchers marked as exhibits M18 to M26, Ex.M28 to M46, Ex.M48 to Ex.M50 are his. It is not true that the amounts mentioned were received by him. He might have received some amounts. That there might be a gas filling shop by name Mini Gas Agencies. Occasionally he has got gas filled for the bank. In Ex.M16 and Ex.M14 there appears to be some corrections regarding the price and the total

amounts. MW1 deposed that Ex. M4 is his report to the Regional Manager, after having inspected and verified at Begumbazar branch, Srinivasa Rao was suspended. In the cross examination he deposed that he went to inspect and look into the matter on 12.7.95, Srinivasa Rao was not there in the office hence, he could not enquire from him. In general the clerical staff will prepare the vouchers. Accountant or in his absence Manager has to pass the vouchers. For petty amounts formal receipt is not insisted. That in the instant case besides Srinivasa Rao, the accountant Sri L.R. Kulkarni was awarded a punishment of stoppage of two increments without cumulative effect for negligence and procedural lapses. MW2 also deposed that Mini Gas Agencies confirmed as to difference in the bill amounts and that all the bills were produced by Srinivasa Rao are from the Mini Gas Agencies so far as the first charge is concerned. MW2 has said in the cross examination he deposed, so far as he remembers he has not spoken to any of representatives of M/s. Mini Gas Agencies. He denied that Ex.M9 and M10 were not given by M/s. Mini Gas Agencies. When vouchers has to be passed it should be verified by concerned person and only then it will be passed. He denied that in order to save himself and the Accountant, Srinivasa Rao was implicated.

18. It may be seen that no doubt I held that the enquiry is bad, holding that some witnesses should have been examined. Accordingly, the three witnesses were examined. However, none were examined from M/s. Mini Gas Agencies. Where he says that items Ex.M11 to M16 were not purchased by him. He had not done any alterations in Ex. M11 to M16. He admitted that Ex. M16 and M14, there appears to be some corrections regarding price and total amounts. He goes to the extent of saying that there might be an agency by name M/s. Mini Gas Agencies and he says that he does not remember the name of the gas filling in petromax lights shops. That the signatures on the back of vouchers Ex.M18 to M26, M40. to M46 and M48 to M50 are his signatures. According to MW2 the amounts were claimed by the Petitioner and further in the cross examination WW1 has admitted that the items were purchased by him and in Ex.M11 to M16 there are alterations. No doubt there is some fault on the part of the Respondent bank in not examining the person who has issued Ex.M10. No doubt the author of Ex.M10 was not examined which would have been done so. But it is crystal clear that the Petitioner has a doubtful integrity as he has given wrong qualifications that he has passed 7th or 8th class, when he has passed 10th class for gaining employment. No doubt, in this case it should not be proved beyond reasonable doubt as in a criminal case. If it is proved if the probabilities are so it is sufficient. But however, the Petitioner has worked from 1.7.76 as attender and assigned the duties of Daftry in the year 1990 and dismissed on 28.5.96. So he has put in from 1.7.76 to 28.5.96, he is aged about 53 years. But for these latches which are not conclusively proved but there is every probability seeing his past conduct also, I am of

the opinion that reinstating him back will not be proper. Hence, but some compensation can be given to him as he has worked for almost 20 years giving him 10 months gross pay last drawn would meet the ends of justice. Hence, I hold that the action of the Management of Central Bank of India, Hyderabad in terminating the services of Sri T. Srinivasa Rao is legal and justified, however he is entitled for 10 months gross pay calculated as per last drawn pay, to be paid within 30 days from the publication of this award failing which he will be entitled to 12% interest per annum on the said amount after 30 days of the publication of this award.

19. Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 10th day of March, 2004.

E. ISMAIL Presiding Officer

APPENDIX OF EVIDENCE

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent
WW1 : Sri T. Srinivasa Rao	MW1 : Sri A. Bhaswkar Rao MW2 : Sri P. Srinivasachary MW3 : Sri K. Ramachandra Rao

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

ExM1:	Copy of report of Chief Internal Auditor dt. 26-6-95.
ExM2:	Forwarding letter to Ex. M3 dt. 1-7-95.
ExM3:	The confession letter of WW1 dt. 29-6-95.
ExM4:	Copy of inspection report of MW2 of Begumbazar branch of the Respondent bank dt. 13-7-95.
ExM5:	Copy of suspension order of WW1 dt. 14-7-95.
ExM6:	Copy of charge sheet dt. 5-9-95.
ExM7:	Copy of corrigendum to Ex.M6 dt. 4-11-95.
ExM8:	Copy of show cause memo No. RO/PRS/86/3538 dt. 10-12-96.
ExM9:	Copy of letter. to M/s. Mini Gas Agencies by MW2 dt. 12-10-95.
ExM10:	Reply to Ex. M9 dt. 13-10-95.
ExM11:	Copy enquiry proceedings dt. 18-5-95.
ExM12:	Copy of orders No. HRO:PRS:DAD:96-97/750 dt. 28-5-96.

- Ex M13: Copy of orders of HRO:PRS:DAD:96-97/751 dt. 28-5-96.
- Ex M14: Copy of WWI's representation dt. 13-7-96
- Ex M15: Copy of Ir. No. ZO:PRS:DAW:96-97:1863 dt. 22-10-96
- Ex M16: Copy of list of documents produced in the enquiry dt. 9-1-96
- Ex M17: P&L Voucher dt. 16-12-94
- Ex M18: P&L Voucher dt. 5-1-95
- Ex M19: P&L Voucher dt. 30-1-95
- Ex M20: P&L Voucher dt. 20-2-95
- Ex M21: P&L Voucher dt. 25-2-95
- Ex M22: P&L Voucher dt. 31-3-95
- Ex M23: P&L Voucher dt. 5-5-95
- Ex M24: P&L Voucher dt. 25-5-95
- Ex M25: P&L Voucher dt. 20-3-95
- Ex M26: P&L Voucher dt. 13-4-95
- Ex M27: P&L Voucher dt. 21-4-95
- Ex M28: P&L Voucher dt. 7-3-95
- Ex M29: P&L Voucher dt. 16-3-95
- Ex M30: P&L Voucher dt. 13-5-94
- Ex M31: P&L Voucher dt. 4-1-95
- Ex M32: P&L Voucher dt. 5-1-95
- Ex M33: P&L Voucher dt. 17-1-95
- Ex M34: P&L Voucher dt. 21-10-95
- Ex M35: P&L Voucher dt. 23-5-95
- Ex M36: P&L Voucher dt. 2-2-95
- Ex M37: P&L Voucher dt. 16-2-95
- Ex M38: P&L Voucher dt. 1-3-95
- Ex M39: P&L Voucher dt. 25-3-95
- Ex M40: P&L Voucher dt. 29-3-95
- Ex M41: P&L Voucher dt. 31-3-95
- Ex M42: P&L Voucher dt. 19-4-95
- Ex M43: P&L Voucher dt. 2-5-95
- Ex M44: P&L Voucher dt. 31-5-95
- Ex M45: P&L Voucher dt. 10-8-94
- Ex M46: P&L Voucher dt. 31-8-94
- Ex M47: P&L Voucher dt. 17-9-94
- Ex M48: P&L Voucher dt. 11-7-94
- Ex M49: P&L Voucher for Rs. 100
- Ex M50: P&L Voucher dt. 14-11-94

नई दिल्ली, 1 अप्रैल, 2004

का. आ. 1024.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों

के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 33/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-4-2004 को प्राप्त हुआ था।

[सं. एल-12011/36/2001-आई.आर. (बी-II)]

सी गंगाधरण, अवर सचिव

New Delhi, the 1st April, 2004

S.O. 1024.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 33/2001) of the Central Government Industrial-Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Union Bank of India and their workmen, received by the Central Government on 01-04-2004.

[No. L-12011/36/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri E. Ismail, B.Sc. LLB., Presiding Officer

Dated the 12 the day of January, 2004

Industrial dispute No. 33/2001

BETWEEN

1. The General Secretary,
Union Bank Employees Union,
Room No.3 1st floor, Unity House,
Abids, Hyderabad- 500 001
2. Sri G. Srinivas,
C/o Sri Sushil Kumar Jaiswal,
Advocate, D.No. 3-5-1082/1,
Narayanguda, Hyderabad.....Petitioners

AND

The Dy. General Manager,
Union Bank of India,
Regional Office, Lata Complex,
Nampally, Hyderabad- 500001.....Respondent

APPEARANCES:

For the Petitioner : Sri Susheel Kumar Jaiswal,
Advocate

For the Respondent : M/s C.R Sridharan, G Narender
Reddy C & S. Ramesh,
Advocates

AWARD

The Government of India, Ministry of Labour by its Order No. L-12011/36/2001/IR(B.II) dated 8/13-6-2001 referred the following dispute under Section 10(1) (d) of

the I.D Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of Union Bank of India and their workman.

SCHEDULE

“Whether the action of the management of the Union Bank of India in terminating the services of Sri G. Srinivas, Ex. Sub-Staff is justified? if not, what relief the ex-workman is entitled for?”

This reference was registered as Industrial Dispute No. 33/2001 and notices were issued to the parties.

2. The claim statement was filed with the following averments. It is mentioned that the Petitioner worked from 1-7-95 at the High Court branch, Hyderabad till 12-10-96 and he was dismissed without notice. That they have not followed Sec. 25 F and caused irreparable loss. That he worked for 373 days from 1-7-95 to 12-10-96. He was in continuous service. He was paid wages through petty cash vouchers in different names like G. Raju Tulasi, G. Baba, Narsimha etc., but he signed all the vouchers as ‘G. Srinivas’ and received the amounts, which is sufficient to prove that he worked for more than 240 days. It is prayed that the Respondent may be directed to produce the originals of the petty cash vouchers for the period from 1-7-95 to 12-10-96.

3. A counter was filed. That the reference itself is not valid in law. That the reference is hopelessly barred by limitation. That there was no employee by name of G. Srinivas employed by the Respondent bank at any point of time. Hence, the question of terminating him does not arise. That the claim statement filed is hand work of manipulation, fraud and interpolation on the part of the Petitioner or otherwise. That it is shocking that an industrial dispute has been raised for a non-existing person. That at no point of time they engaged any man by name G. Srinivas. In order to meet certain contingencies such as non-availability of permanent staff on certain days, it is an established practice with the bank to deploy certain casual workers to attend to such work to meet such contingencies and therefore, had deployed the following casual employees in the following manner :

Name	No. of days
G. Raju	61
Krishana	47
Tulasi	36
G. Baba	31
Narsimha	26
Hari	25
Ravi	23
G. Raja	23
Kumar	21

Name	No. of days
Venkat	10
Gopal	8
Narsing	8
Anjaiah	4

That a voucher would be drawn and the wages for the day would be paid duly acknowledged by the Respondent employees. That the said bundles have been removed and copies have been made illegally after interpolating some additional signatures, which have come to light at the time of drafting of this counter statement. Some vouchers contain the thumb impression upon which also such signatures figure, establishing that they are all fake. Hence, as he was never employed he is not entitled for any relief.

4. The Petitioner examined himself as WW1 and deposed that he has worked in the High Court branch from 1-7-95 to 12-10-96. He worked as attender. That he used to take the daily wages by signing the petty cash voucher. Ex W1 are the Xerox copy of the petty cash vouchers. Ex. W2 is the Xerox copy of the ration card showing that he is pink card holder and he is Srinivas. No notice was given to him. No pay was given in lieu of notice. He was asked not to come from 12-10-96. He prays that he may be reinstated with back wages.

5. In the cross examination he deposed that he has not filed any appointment order. He does not remember who has allowed him to work in the bank. One Mr. Narasimhachary asked him not to come to the bank. That he is 7th fail. He does not know English language. In the receiver's signature, there are signatures of different person but not his signature. On none of the vouchers his name was written. The original of Ex. W1 was not with him. They are with the bank. One Mr. Narasimhachary has permitted him to take the Xerox copies of Ex. W1 who is custodian of the records. He would not examine him. He denied that he has not worked even for a day and he is deposing falsely.

6. WW2 deposed that he has worked as cashier cum clerk in the Respondent bank from 1996 in RP Road branch, Secunderabad. WW1 was also working in High Court branch as sub-staff. He was being paid from petty cash. That he used to write petty cash vouchers. Most of the petty cash vouchers are written by him. Voucher dated 20-7-95 bears the signature of WW1. Ex. W1 almost all the voucher have the sign of WW1 of the reverse of the vouchers. The procedure of payment of petty cash is after he or somebody fills up the petty cash voucher will go to the officer concerned who will approve the payment as in Ex. W2 and it will go to cashier to take the sign of the person drawing the cash and make payment after taking the signature on the reverse. WW1 also worked from July, 1995 to June, 1996. He was also relieved and joined

at RP Road branch, Secunderabad. In the cross examination which was done after a gap of 7 months he now deposed that he is not concerned to whom it is paid. He cannot identify the signature of WW1. None of the vouchers show that the payment is made to WW1 as per bunch of Ex. W1 exhibits. In the re-examination he deposed that the person received the payment will sign on the reverse. In Ex. W1 the entire bunch the signature on the reverse purports to be of G. Srinivas but he never signed before him.

7. The Respondent examined Sri B. Uma Maheshwara Rao, Assistant Manager in the Respondent bank as MW1. he deposed that he knows the employees who worked in the branch at that time. Sri G. Srinivas never worked in the High Court branch of the Respondent. Now and then the branch used to engage casual labour for sweeping, cleaning etc. Ex W1 whoever receive the payment on the petty cash memo their name would be mentioned. Names mentioned in Ex. W1 are Sri Raju, Tulasi, Babu, Krishna, Narasimha and Hari etc. None of the vouchers bears the name of the Petitioner. The Petitioner is not an employee of the bank. He never worked in the bank. He is not aware whether the DGM has written a letter to Assistant Labour Commissioner (C) in response to the representation of the petition on 28-4-98 that the Petitioner worked as a casual labour in 1995 and 1996. Ex W3 and W4 are Xerox copies of the vouchers bearing the name of the Petitioner.

8. It is argued by the Learned counsel for the Petitioner that the very counter would show and it is unbelieving that 13 person would have worked during the brief period from 1-7-95 to 12-10-96. It is admitted by the Respondent witness that Ex. W3 and W4 bear the signature of the Petitioner which are for 1996. Now saying that he never worked with them is purely false. In fact in order to deprive the petitioner the benefits which may arise to him right in High Court branch they have played fraud by preparing names on the various books, person, which is very clear from the number of person said to have been appointed during this brief period intermittently. Hence the petitioner may be reinstated with all back wages.

9. The respondent counsel argues that itself is shocking that the petitioner has laid his hands on the vouchers and manipulated it by putting his signatures on the receivers' column. Hence, he is not entitled for anything. Hence, the petition may be dismissed.

10. It may be seen that neither the petitioner has come with clean hands nor Respondent has come with clean hands. Complete denial of the Respondent that the petitioner has never worked in the bank and that there is no such person as G. Srinivas itself is false which is obvious from the deposition of the MW1. MW1 has categorically admitted that Ex. W3 and W4 are the Xerox copies of the vouchers bearing signatures of G. Srinivas. No doubt WW2 cashier from the bank stated first in favour of the Petitioner and then turned practically hostile in the

cross examination and again in re-examination he admitted that the entire bunch of Ex. W1 contains the signature of G. Srinivas but he never signed before him. So it may be seen that the denial that the Petitioner has never worked with them is wrong. The Petitioner has worked with them. Whether he has worked with them for 240 days or not, here he has filed vouchers, from 1-7-95 to 12-10-96 that he worked for 373 days. So it may be seen that one thing is very clear that the petitioner has worked with the Respondent and it is also does not appeal to common sense that more than half a dozen persons should have been employed in the said period. Hence, I hold that it is not a bogus case but a case where the Petitioner has worked apparently for more than 240 days and he was entitled for notice under Sec. 25F, But, as much water has flown and there is lot of ill feelings, it will not be desirable to ask the Respondent to engage him as casual labour and they can dismiss him by following Sec. 25 F. it is clear that he received Rs. 40/- as per Ex. W3 and W4. So the ends of justice would be met if he is paid for 100 days that is Rs. 4000/- and Rs. 1000/- towards cost of this litigations. The same would not have been awarded but for out right denial by the bank that no such person exists as G. Srinivas. An individual can make not as a right but by foolishness or otherwise wrong statements. But the bank should be more cautious in making a statement in the counter when they have got the originals that too according to MW1, no doubt has stated sweeper. The Petitioner has not been able to establish categorically his engagement through out for 373 days yet, the circumstances that, WW2 an employee of the bank himself in the same branch supported the case of the petitioner, no doubt, turned almost hostile in cross examination, but in re-examination again submitted that on the reverse the petitioner has signed. Therefore it may be safely taken that he has worked for more than 240 days and he is granted the above relief, accordingly, the reference is ordered as follows; The action of the management of the Union bank of India in terminating the services of Sri G. Srinivas, Ex Sub-staff is not justified. However, the petitioner is entitled for Rs. 5000/- within 30 days from the publication of this Award failing which he will be entitled to the same with 12% simple interest per annum after 30 days from the publication of this Award.

Award passed accordingly. Transmit.

Dictated to Kum K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 12th days of January, 2004.

E. ISMAIL, Presiding Officer.

Appendix of evidence

Witnesses examined for the Petitioner:	Witness examined of the Respondent
WW1 : Sri G. Srinivas	MW1: Sri. B. Uma Maheshwara Rao

WW2 : Sri H. L. Prakash Rao

Documents marked for the Petitioner

Ex. W1 : Xerox copies of petty cash vouchers.

Ex. W2 : Copy of ration card of WW1

Documents marked for the Respondent

NIL

नई दिल्ली, 2 अप्रैल, 2004

का.आ.1025.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एअर इंडिया के प्रबंधन के संबंध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार/चेन्नई के पंचाट (संदर्भ संख्या 85/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2004 को प्राप्त हुआ था।

[सं. एल-11012/4/2002-आई.आर. (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O.1025.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 85/2002) of the Central Government Industrial-Tribunal/Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Air India and their workmen, which was received by the Central Government on 25-03-2004.

[No. L-11012/4/2002-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
CHENNAI**

Monday the 1st March, 2004

Present :—K. Jayaraman, Presiding Officer

Industrial dispute No. 85/2002

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Air India and their workmen)

BETWEEN

Sri M. Kanakasundaram : I Party/Workman

AND

The Southern Regional : II Party/Management
Manager, Air India,
Chennai.

Appearance:

For the Workman : M/s. Adrian D. Rozario, Sheela
D. Rozario, & K. Velmurugan

Advocates

For the Management : M/s. Aiyar & Dolia & N.
Krishnakumar, Advocates

AWARD

The Central Government, Ministry of Labour by its order No. L-11012/4/2002-IR(C-I) dated 28-8-2002 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Air India in dismissing Shri M. Kanakasundaram from service is justified? If not, what relief is the workman entitled to?”

2. After the receipt of the reference, it was taken on file as I.D. No. 85/2002 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively. Subsequently, neither the Petitioner nor his counsel on record appeared before this Tribunal for conducting enquiry. Therefore, the Petitioner was set ex-parte and ex-parte evidence of II Party/Management was taken.

3. The allegations in the Claim Statement of the Petitioner are briefly as follows :—

The Petitioner was employed by the Respondent/Management as a loader in commercial department from 11-7-83 on a probationary basis and he was confirmed in service w.e.f. 1-1-84. Subsequently, he was promoted as Senior Loader on 1-1-91. While so, during the night of 31-9-93 the Petitioner was charged on the complaint of pilferage and a departmental enquiry was conducted by the Committee and he was found guilty of the charges framed against him and the Enquiry Committee has recommended for dismissal of the Petitioner from service and the National Industrial Tribunal, Mumbai has confirmed the order of dismissal. Hence, the Petitioner has raised an industrial dispute and on the failure of conciliation, the matter was referred to this Tribunal. The Petitioner further alleged that the order passed by the Enquiry Committee is in violation of Certified Standing Orders of Indian Airlines Ltd. and it is in contravention of principles of natural justice and fair play. The charge framed against the Petitioner was not proved in the course of enquiry. The Enquiry Committee based its finding only on the confessional statement of the Petitioner, in spite of the fact that the said statement was obtained under duress. Hence, for all these reasons, he prays that an award may be passed in his favour.

4. As against this, the Respondent in their Counter Statement alleged that in the departmental enquiry based on the findings of Enquiry Committee, the Respondent has come to a conclusion that the charge framed against the Petitioner has been proved and therefore, the Enquiry Committee has recommended for the dismissal of the Petitioner from service. Further, the Petitioner cannot

contend that as the criminal court proceedings based on the very same set of facts ended in acquittal, the findings of the departmental enquiry should be ignored. In this case, the oral evidence of management witnesses coupled with documentary evidences clearly show that there are materials, which are logically probative for a prudent man, to come to the conclusion that the charges levelled against the Petitioner are clearly proved. Therefore, the punishment of dismissal was proper and correctly awarded by the competent authority after following the due procedure and observing the principles of natural justice and therefore, the Petitioner cannot contend that no natural justice has been followed. Hence, the Respondent prays to reject the claim made by the Petitioner.

5. In such circumstances, the point for my consideration is —

“To what relief the Petitioner is entitled?”

6. On the side of the Respondent/Management one Mr. S. Iyyaswami, Manager, Human Resources Development of the Respondent/Management was examined and in his evidence, he deposed that the Petitioner has pilfered silver granules from the baggage of the aircraft and therefore, initially he was suspended and subsequently in the departmental action, he was dismissed from service. He was also one of the members of Enquiry Committee and he issued show cause notice to the Petitioner on 2-10-1993 which is marked as Ex. M1 and on 11-11-93 the Respondent issued a charge sheet namely Ex. M2 and after receiving the reply of the Petitioner Ex. M3, the enquiry was conducted and the report was submitted to the higher officers and the confessional letter given by the Petitioner is marked as Ex. M6. Only after considering all the material records in this case, the competent authority has come to the conclusion to dismiss the Petitioner from service. The domestic enquiry was conducted in a fair and just manner and therefore, he says the order of dismissal passed against the Petitioner is proper and the Petitioner is not entitled to any relief as claimed by him.

7. Since the Petitioner Sri M. Kanakasundaram remained *ex parte* and since there is no material on the side of the Petitioner/Workman to contradict the claim of the Respondent/Management, I come to a conclusion that the Petitioner Sri M. Kanakasundaram is not entitled to any relief, as prayed for. Ordered accordingly. No Costs.

8. The reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 1st March, 2004)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Workman : None

For the II Party/Management : Sri S. Iyyaswami-MW1

Documents Marked :—

For the I Party/Workman : Nil

For the II Party/Management :—

Ex No.	Date	Description
M1	2-10-93	Xerox copy of the show cause notice issued to Petitioner
M2	11-11-93	Xerox copy of the charge sheet issued to Petitioner
M3	29-12-93	Xerox copy of the reply submitted by Petitioner to Charge sheet.
M4	Nil	Xerox copy of the enquiry proceedings.
M5	Nil	Xerox copy of the enquiry committee report.
M6	1-10-93	Xerox copy of the confessional letter of Petitioner.
M7	5-9-95	Xerox copy of the reply given by Petitioner to 2nd show cause notice.
M8	26-08-95	Xerox copy of the 2nd show cause notice.
M9	9-10-95	Xerox copy to the order of dismissal passed against the Petitioner by competent authority.

नई दिल्ली, 2 अप्रैल, 2004

का.आ.1026.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट [संदर्भ संख्या 27/2001 (TIND 27/2000)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2004 को प्राप्त हुआ था।

[सं. एल-11012/51/99-आई.आर. (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O.1026.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. 27/2001 (TIND 27/2000)] of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure, in the industrial dispute between the management of Air India and their workmen, which was received by the Central Government on 25-03-2004.

[No. L-11012/51/99-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
CHENNAI

Tuesday the 24th February, 2004

PRESENT :— K. Jayaraman, Presiding Officer

Industrial dispute No. 27/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 27/2000)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Air India Ltd. and their workmen)

BETWEEN

Sri T. Kumaresan : I Party/Workman

AND

1. The Chairman, : II Party/Management
 Air India, New Delhi

2. The Regional Manager,
 Air India, Madras Airport,
 Chennai.

Appearance:

For the Workman : Mr. Fredrick Castro,
 Advocate

For the Management : M/s. Aiyar & Dolia &
 N. Krishnakumar, Advocate

AWARD

The Central Government, Ministry of Labour vide Notification No. L-11012/51/99-IR(C-I) dated 4-2-2000 has earlier referred this industrial dispute to Tamil Nadu State Industrial Tribunal for adjudication. The Tamil Nadu State Industrial Tribunal has taken the same on its file as I.D. No. 27/2000 and after the constitution of this Central Govt. Industrial Tribunal cum Labour Court, the said industrial dispute was transferred to this Tribunal and after the receipt of records, it was renumbered as I.D. No. 27/2001. Both sides have entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

2. The Dispute referred by the Govt. in the Schedule is hereunder :—

“Whether the action of the management of Air India Ltd., Chennai in terminating the services of the workman Sri T. Kumaresan, Junior Operator is justified? If not, to what relief is he entitled?”

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The Petitioner entered into the services of II Party/Management as Junior Operator Trainee on 21-1-93 at Madras. He was confirmed as Junior Operator on 1-9-94.

While so, on 28-9-95 he was allotted tractor work and he should off load containers pallets etc. from the aircraft and to bring containers for loading and take back empty containers, pallet dollies etc. On that day at about 2.08 o'clock in the morning when he was arranging the empty carriers for the next flight, he saw a step ladder left in the tarmac. Therefore, he drove it to parking area and while he was driving the step ladder, three casuals of Singapore Airlines stopped the step ladder and told him that they had with them a box of perishable goods and requested him to assist them to shift it to old airport for which he replied that they can contact the tractor operator of the flight handling unit or his supervisor. While they were persisting that he should assist them, one of them shouted that security is coming and immediately the person holding the cardboard box threw the same into the driver's cabin through the window and ran away. The Petitioner took the step ladder to parking area and immediately he was apprehended by Mr. Pitchappa, Security Guard, who asked him what was in the box to which the Petitioner replied that he does not know. Thereafter, the security officers and police came and arrested him. FIR was lodged by Mr. Pitchappa in the Police Station. The Petitioner was issued with charge sheet dated 8-1-96 charging him theft or dishonesty in connection with employer's business or property and act subversive of discipline. Even the explanation given by the Petitioner was not accepted and a farce of enquiry was conducted and the Petitioner was found guilty of the charges and dismissed from service. None of the casual workers apprehended by the security were produced in the enquiry by the prosecution. Mr. Pitchappa alone was the only eye witness examined by the prosecution. The evidences of the other witnesses are only hearsay. The contradiction in the evidence at the enquiry and the statements and also FIR would go to prove that only Mr. Pitchappa was an eye witness that too to the act of the three casuals of Singapore Airlines in pilfering the goods. The prosecution has deliberately attempted to make it appear as if the petitioner's act of driving step ladder is wrong. Further, charges have not been framed in accordance with law. The Enquiry Committee have not been constituted in accordance with law. The charge sheet has not been issued by the competent authority. The extenuating circumstances and past records has not been considered by the competent authority before awarding the punishment and the Respondent in framing charges under the model standing orders (central) while the service conditions and disciplinary matters relating to employees of Air India Corporation including that of the Petitioner is governed only by Air India Employees' Service Regulations. The Petitioner belonging to ground handling department and no officer from the ground handling unit has been made as a member in the Enquiry Committee, hence the enquiry conducted by the Enquiry Committee is vitiated. The order of punishment namely dismissal has been passed by the Deputy General manager, who is not

the competent authority as per the Regulations of Schedule 1 and therefore, the order impugned passed by the authority is not valid in law. The competent authority have not taken into consideration the gravity of the misconduct, previous service record of the persons charged and any extenuating or aggravating circumstances of the case. Hence, the order of punishment is liable to be set aside. The non-examination of even one of the three casual labourers of Singapore Airlines goes to prove the hollowness of the prosecution case. Even assuming without conceding that the charge is proved, the punishment of dismissal is grossly disproportionate to the gravity of the charges proved. Further the misconduct of aiding in the movement of goods involved in a theft has been proved and not the misconduct of theft against the Petitioner. Even assuming without conceding that the charges have been proved, the punishment warrants interference of this Tribunal under section 11A of the Industrial Disputes Act, 1947. Hence, the Petitioner prays that an award may be passed in his favour.

4. As against this, the Respondent has alleged in the Counter Statement that the Respondent is engaged in the business of public utility services and apart from their own operations of passenger and cargo flights have entered into a bilateral contract with other foreign carriers to handle their passengers and cargo. Thus, the Respondent is handling agent for Singapore Airlines also at Chennai. It is no doubt true that the Petitioner was appointed as Junior Operator trainee in ground services department of the Respondent at Chennai Airport. It is also true that subsequently the Petitioner was placed on probation from 21-2-94 and was confirmed as Junior Operator w.e.f. 1-9-94. While so, on 28-9-95, the Petitioner was placed under suspension for his alleged involvement in pilferage of Singapore Airlines cargo in collusion with Casual Labourers of Singapore Airlines and disciplinary action was initiated against him. Police complaint was also lodged and he was arrested by the police. The Enquiry Committee examined nine witnesses apart from the Petitioner. Subsequently, charge sheet was issued to the Petitioner for the alleged misconducts committed by him in and under the provisions of model standing orders as detailed in the charge sheet. Since the competent authority was not satisfied with the explanation of the Petitioner, the Enquiry Committee was constituted to go into the details of charges levelled against the Petitioner. The Respondent marked thirty documents as exhibits. The Petitioner was also given full opportunity to cross examine the witness and a co-worker was allowed to defend the Petitioner. The Petitioner had fully participated in the enquiry proceedings. Finally, the Enquiry Committee held that the charges levelled against the Petitioner were proved and the Petitioner was found guilty of the same and the Petitioner was awarded with the punishment of dismissal from service. Even though, the operation of step ladder work was not allotted to the Petitioner, the Petitioner in

collusion with the three Casual Labourers of Singapore Airlines had committed theft of a card board box. The Petitioner has driven the step ladder and attempted to transport the box and himself involved in the offence of theft. It is clear that the Petitioner was in possession of card board box. The Petitioner has admitted that the Casual Labourers of Singapore Airlines ran away after the incident and they were absconding and hence, they could not be examined in the enquiry. The Petitioner was caught red handed with pilfered goods by Air India. It is false to allege that statement of witnesses are contradictory. Since the Petitioner was in possession of goods pilfered from aircraft, while he was on duty at airport, the Enquiry Committee have in its findings stated that step ladder was deliberately used by the Petitioner since the closed cabin could conveniently hide the stolen property of cumbersome size and weight. The Petitioner's contention regarding applicability of Air India Employees Service Regulations is not correct as the Delhi High Court in Writ Petition No. 637/88 filed by Air India has held that Industrial Employment Standing Orders Act is applicable to such of those employees, who come under the definition of workman under the said Act. Since the Air India did not have certified standing orders at that time, the proceedings were initiated against the Petitioner under the provisions of model standing orders. Since the Air India is handling agent for Singapore Airlines at Chennai and pilferage from a foreign airline by Air India employee is a serious misconduct and the competent authority after considering the gravity of the misconduct committed by the Petitioner has awarded the punishment of dismissal as other wise, such incident of pilferage would diminish the trust of customer airlines in Air India. Therefore, under such circumstances, it need not be called for any interference. The post held by the Petitioner had been one of trust and confidence which allows free entry into airport and access to landing bay and therefore, the charges proved in the enquiry against the Petitioner cannot be taken lightly. Under such circumstances, it cannot be said that the punishment given by Respondent is too harsh. Further, the Petitioner has committed serious misconduct of theft or dishonesty in connection with employer's business or property within a period of two years from the date of his appointment on probationary basis. Hence, he prays that the claim may be dismissed with costs.

5. In these circumstances, the point for my consideration is :—

- (i) "Whether the action of the Respondent/Management in terminating the services of the Petitioner/Workman is justified?"
- (ii) "To what relief, the Petitioner is entitled?"

Point No. 1 :—

6. In this case, the Petitioner has examined himself as WW1 and 25 documents were marked on his side as Ex. W1 to W25. On the side of the Respondent/Management

12 documents were marked as Ex. M1 to M12 and no witness was examined on their side.

7. It is an admitted case of both sides that on 28-9-95, when the Petitioner was allotted tractor work i.e. off loading containers, pallets etc. from the aircraft and to bring the containers for loading and take back the empty containers, pallet dollies etc. at about 2.08 o'clock in the morning, while the Petitioner was driving the step ladder from the tarmac to parking area, he was caught by the security persons and he was with him one card board box and it is the case of the Petitioner that while he was driving the step ladder, three casuals of Singapore Airlines stopped the step ladder and told him that they had with them a box of perishable goods and requested the Petitioner to assist them to shift it to the old airport for which he replied that they can contact the tractor operator of the flight handling unit or his supervisor. While they were persisting that he should assist them, one of them shouted the security is coming and immediately three persons threw the card board box into the driver's cabin through the window and ran away and while he was parking the step ladder he was apprehended by the security guard namely Mr. Pichappa. Thereafter, the security officers and police came and arrested him. But, on the other hand, the Respondent contended that he was found guilty of the charge of theft, in view of the Petitioner operating the step ladder which work was not allocated to him and the card board box also, in their opinion, the card board box could not be pushed through the window of driver's cabin that too in great haste, therefore, they have come to the conclusion that the Petitioner while attempting to transport the box was caught red handed and giving a story that they have thrown the box through the window. Even from the admitted fact of the Petitioner, the Petitioner was in possession of card board box for which he has not given any valid reason.

8. In this case, though the Petitioner has questioned the conduct of enquiry in the Claim Statement, at the time of argument, learned counsel for the Petitioner has not raised any thing about the conduct of enquiry. In the Claim Statement, the Petitioner alleged that the charges have not been framed in accordance with law, that the charge sheet was not issued by the competent authority and according to the Respondent, they have framed the charges under Model Standing Orders (Central). While the service conditions and disciplinary matters relating to employees of Air India Corporation is only governed by Air India Employees Service Regulations and under that Regulations as per clause 4 of Schedule II charges should be framed by the competent authority, according to Schedule I is the Controller-Ground Handling and therefore, the charges framed by the Respondent is improper and illegal. Further, he has raised according the Schedule II of the Regulations, one of the officers of Enquiry Committee must be a representative of the department to which the

charge sheet employee belongs. Since the Petitioner belongs to ground handling department, no officer from the ground handling unit has been made a member of the Enquiry Committee and therefore, the enquiry conducted by such Enquiry Committee is vitiated. Further, he contended that the order of dismissal has been passed by Deputy General Manager of the Respondent, who is not the competent authority.

9. But, as against this, the learned counsel for the Respondent contended that the Petitioner's contention, that Air India Employees Service Regulations alone is applicable, is not correct as the Delhi High Court in W.P. No. 637/88 has held that the Industrial Employment Standing Orders Act is applicable to such of those employees who come under the definition of workman under the said Act. In this case, since the Air India did not have Certified Standing Orders at that time, the proceedings were initiated under the provisions of Model Standing Orders (Central) for which the counsel for the Petitioner has not argued anything at the time of argument. Therefore, the Petitioner has not questioned the conduct of enquiry before this Tribunal.

10. In this case, on behalf of the Petitioner it is contended that the Enquiry Committee has not considered the contradictions in the evidence of the witnesses examined during the enquiry. It was stoutly contended that none of the casual labourers were apprehended by the airport security and were produced before the enquiry by the prosecution and only one eye witness namely Mr. Pichappa was examined to prove the case of the management and the evidence of other witness is only hearsay evidence and with these evidences the Enquiry Committee has acted upon and has given the punishment of major penalty namely dismissal. Even the alleged eye witness namely Mr. Pichappa was only an eye witness for the act of three Casual Labourers of Singapore Airlines in pilfering the goods. There is nothing to show that the Petitioner was involved in the case of theft. The story has been twisted to ensure the Petitioner's involvement, so that action can be taken against him, since the airport security was unable to obtain even a statement from the Casual Labourers of Singapore Airlines. Even though one Mr. Balasubramanian, Senior Security Assistant was quoted as eye witness, he has clearly stated that he has not seen the occurrence and therefore, there is no direct or circumstantial evidence to connect the Petitioner with the offence. Further, the evidence given by the so called eye witness and evidence given by other witnesses are contradictory and therefore, relying on this contradictory evidence and findings given by the Enquiry Committee is illegal and vitiated. Since the witnesses have not established that the Petitioner has involved in the case of theft or dishonesty, the Enquiry Committee has to absolve the Petitioner from the charge. But, on the other hand, they have come to a wrong conclusion that the charge.

framed against the Petitioner was proved. It is the case of the Respondent/Management that the Petitioner's driving step ladder is wrong. But, even the management witness No. 3 in his cross examination has clearly stated that if a vehicle is not parked properly in the reserved area, an operator can park the same properly, though it may not be an allocation of his work. From this admission, it is clear that the action of the Petitioner in driving the step ladder cannot be held as an offence. Further, the Enquiry Committee has not considered the past record of the Petitioner before awarding the punishment. According to Schedule II of the Regulations, before awarding the punishment, the Committee shall take into consideration the extent and gravity of the misconduct, previous service record of the person charged and any extenuating or aggravating circumstances of the case. But, in this case, the competent authority has not considered the past record, which was appreciated by the Respondent/Management, before awarding the major punishment. Further, the Enquiry Officer has not taken note of contradiction between the statements of witnesses and also the evidence and the FIR. Even while it was pointed out by the Petitioner, they have not looked into the same. Further, the Respondent/Management has not given any explanation for non-examination of even one of the Casual Labourers of Singapore Airlines and it will prove the hollowness of the prosecution case.

11. But, as against all these contentions, on behalf of the Respondent it was argued that the Enquiry Committee has held the Petitioner guilty of the charges in view of the Petitioner's operating the step ladder which work was not allocated to him and the card board box also in the opinion of the Enquiry Committee, could not be pushed through the window of driver's cabin and therefore, the explanation given by the Petitioner is a cock and bull story and the Petitioner's driving the stepladder in attempting to transport the box is an indicator of his involvement in the planned act of theft against him. The Petitioner was caught red handed with pilfered goods by Air India. It is false to allege that statements of witnesses are contradictory. The witnesses have clearly deposed in the enquiry that the Petitioner was in possession of goods pilfered from aircraft of Singapore Airlines while he was on duty on 27-9-95 at the airport and therefore, the Enquiry Committee has given its finding that the card board box thrown into the driver's cabin of stepladder story was deliberately used by the Petitioner since the closed cabin could conveniently hide the stolen property of cumbersome size and weight. The Respondent has not taken note of minor contradictions with regard to FIR statements and also evidences given before the enquiry. Further, it is not necessary in a domestic enquiry to rely upon the FIR as made in the criminal case and therefore, the contradiction in statements of FIR and statements recorded in domestic enquiry cannot be taken as a ground. The Enquiry Committee, therefore have given its finding

basing the evidence placed before them and accepted the same. Since the Petitioner has committed serious misconduct, it cannot be contended that the past record of service is to be considered before awarding the punishment. It is the contention of the Respondent that the post held by the Petitioner was one of the trust and confidence which allows free entry into the airport and access to landing bay and therefore the charges proved against the Petitioner in the enquiry cannot be taken lightly. Therefore, considering the nature of the business of the Respondent particularly dealing with foreign airlines and carefully considering the nature of misconduct proved in the enquiry in which the Petitioner had fully participated, the competent authority passed this order of dismissal. Further, the Petitioner has committed this serious misconduct within a period of two years from the date of his appointment on probationary basis. Under such circumstances, it cannot be said that the punishment given by the Respondent authorities is too harsh and not proportionate to the gravity of the offence. Further, the learned counsel for the Respondent has relied on the rulings reported in 1982 1 LLJ 54 J.D. JAIN Vs. MANAGEMENT OF STATE BANK OF INDIA AND ANOTHER, wherein the Supreme Court has held that "*the word hearsay is used in various senses. sometimes, it means whatever a person is heard to say, sometimes, it means whatever a person declares on information given by someone else. In departmental proceedings the guilt need not be established beyond reasonable doubt, proof of misconduct may be sufficient and that the Tribunal committed an error in holding that the finding of domestic enquiry was based on hearsay evidence and that the law is well settled that strict rules of evidence are not applicable in a domestic enquiry.*" The next case referred by the counsel for the Respondent is 1982 1 LLJ 46 STATE OF HARYANA AND ANOTHER Vs. RATTAN SINGH, wherein the Supreme Court has held that "*it is well settled that in a domestic enquiry, strict and sophisticated rules of evidence under the Indian Evidence Act will not apply and all materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has a reasonable nexus and credibility. It is true that departmental authorities and administrative Tribunal must be careful in evaluating such material and should not glibly follow what is strictly speaking not relevant under the Indian Evidence Act.*"..... "*The simple point is was there some evidence or was there no evidence—not in the sense of technical rules governing regular court proceedings but in a fair commonsense way as men of understanding and wordly wisdom will accept.*" The next authority cited by the counsel for the Respondent is 2002 III LLJ 1062 UCO BANK, CALCUTTA AND ANOTHER Vs. M. VENURANGANATH wherein the Division Bench of the High Court of Andhra Pradesh has held that *there is no legal bar on the part of the bank to initiate disciplinary*

proceedings against delinquent employee on the alleged ground of misconduct. It is well settled proposition that the criminal proceedings and disciplinary proceedings are altogether different and distinct. In disciplinary proceedings, the question is whether the Respondent is guilty of such conduct as would merit his removal from service or a lesser punishment, as the case may be, whereas, in criminal proceedings, the question is whether offence registered against him under the Indian Penal Code and other Acts, if any are established and if established, what sentence should be imposed upon him. The standard of proof the mode of enquiry and rules governing the enquiry and trial in both the cases are entirely distinct and different." The next case relied on by the counsel for Respondent is 1997 I LL 746 STATE OF RAJASTHAN Vs. B. K. MEENA AND OTHERS, wherein, it is held by the Supreme Court that "the Respondent challenged the initiation of criminal proceedings on the ground that it amounts to putting him in double jeopardy within the meaning of clause 2 of Article 20 of Constitution of India. A Constitution Bench of the Court rejected the said plea holding that there is no legal objection to the initiation of continuation of criminal proceedings merely because he was punished earlier in disciplinary proceedings. It is thus, clear in law there is no bar to or prohibition against initiating simultaneous criminal proceedings, and disciplinary proceedings. Indeed not only the said two proceedings but if found necessary, even a civil suit can also proceed simultaneously." Further, the learned counsel for Respondent also relied on the judgement in W.P. No. 9839 of 1993—PRASAD FILM LABORATORIES Vs. PRESIDING OFFICER, PRINCIPAL LABOUR COURT AND ANOTHER, wherein the High Court of Madras on 3-11-2000 has held in a similar case of theft of goods that "as pointed out by the counsel for the Petitioner, this Court on several occasions would hold that the property stolen may be small or large, but it is the act of theft that is relevant for imposing penalty and that any sympathy shown in such cases is totally uncalled for and is opposed to public interest.....When a person is proved to have committed theft of property of the company showing his lack of integrity and dishonesty, the Tribunal or Court cannot direct the company to reinstate the workman as it would amount to doing injustice to the institution like the Petitioner company which has got a reputation." In that case, a customer of the Petitioner company gave three cans of annex post negative films to Petitioner company for fog testing. After fog test when the films were returned to them by the Petitioner company, they complained of shortage in the length of film. Based on that complaint, investigation was conducted. Ultimately, it was found that an employee of the Petitioner company committed theft of the said film from the company and used it for his private business of photography and video taping and handed over to colour laboratory for printing of Eastman colour

negative. On this police complaint was given and enquiry was conducted and order of dismissal was passed. While discussing the above matter, the High Court of Madras has held as above. Taking reliance on these rulings, the learned counsel for the Respondent argued that even though the Petitioner contended that the Respondent/Management has not proved by direct evidence that he has involved in the theft case, from the evidence produced before the domestic enquiry, the Enquiry Committee has held that guilt of charge of theft in view of the Petitioner operating the step ladder which was not allotted to him on that day and possession of card board box with him. Further, since there was no substantial proof to show that card board box was thrown into the driver's cabin through the window by the casual labourers of Singapore Airlines and on seeing the cumbersome size and weight of the card board box, the Enquiry Committee has held it could not pushed through the window of driver's cabin that too in a great haste and therefore, the story given by the Petitioner has not been believed by the Committee and they have clearly come to the conclusion that only after the Petitioner has been caught red handed with pilfered goods, the petitioner has taken this stand and these circumstances indicated his involvement in the planned act of theft against him and further since the petitioner has lost the trust and confidence which the Respondence reposed on him, the management has awarded the punishment and it cannot be taken as lightly and in such circumstances, the punishment awarded by the Respondent to the Petitioner need not be called for any interference.

12. I find much force in the contention of the learned counsel for the Respondent.

13. Again, on behalf of the Petitioner it is contended that in the enquiry, the Enquiry Officer has held only the misconduct of aiding in the movement of goods involved in a theft has been proved and not the misconduct of theft by the Petitioner and further, even assuming without conceding that the charges have been proved, the punishment warrants interference of this Tribunal under section 11A of the Act, since the dismissal for the alleged offence is disproportionate to the gravity of the misconduct proved.

14. But, I find no substance in the contention of the learned counsel for the Petitioner because as already pointed out the post held by the Petitioner is one of trust and confidence and charges framed against him is of grave in nature and under such circumstances, I am not inclined to modify the punishment imposed by the Disciplinary Authority. Under such circumstances, I find this point against the Petitioner.

Point No. 2

The next point to be decided in this case is to what relief the Petitioners are entitled?

15. In view of my foregoing findings, I find the Petitioner Sri T. Kumaresan is not entitled to any relief as claimed by him. No Costs.

16. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in this open court on this day the 24th February, 2004.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Workman : WW1 Sri T. Kumaresan

For the II Party/Management : None

Documents Marked :—

For the Paty/Workman :—

Ex. No.	Date	Description
W 1	28-07-95	Xerox copy of the statement of the Petitioner in English Version.
W 2	28-09-95	Xerox copy of the statement of Mr. Pichappa
W 3	28-09-95	Xerox copy of the statement of Mr. Balasubramanian
W 4	28-09-95	Xerox copy of the statement of Mr. Kuppusamy Gopi
W 5	28-09-95	Xerox copy of the FIR
W 6	08-01-96	Xerox copy of the charge sheet issued to Petitioner
W 7	18-01-96	Xerox copy of the explanation given by Petitioner
W 8	15-05-96	Xerox copy of the enquiry proceedings
W 9	26-7-96	Xerox copy of the letter from Petitioner to Enquiry Committee
W 10	20-12-96	Xerox copy of the letter from Rspndent to Petitioner Enclosing findings of enquiry Committee.
W 11	Nil	Xerox copy of the enquiry report.
W 12	11-01-97	Xerox copy of the letter form Deputy General Manager
W 13	14-02-97	Xerox copy of the show cause notice issued to Petitioner
W 14	28-02-97	Xerox copy of the reply submitted by Petitioner to Deputy General Manager
W 15	12-03-97	Xerox copy of the order of dismissal passed against Petitioner

W 16	02-05-97	Xerox copy of the letter from Respondent to petitioner intimating the order of punishment.
W 17	07-10-93	Xerox copy of the order of appointment issued to Petitioner
W 18	20-06-94	Xerox copy of the order issued to Petitioner appointing him as junior Operator.
W 19	26-10-94	Xerox copy of the order of confirmation issued to Petitioner
W 20	14-02-95	Xerox copy of the letter of appreciation issued to Petitioner
W 21	07-04-95	Xerox copy of the letter of appreciation issued to Petitioner
W 22	28-09-95	Xerox copy of the FIR in English version.
W 23	14-02-95	Xerox copy of the letter of appreciation issued to Petitioner
W 24	07-04-95	Xerox copy of the letter of appreciation issued to Petitioner
W 25	19-01-2000	Carbon copy of the judgement in case No. 236/96

For the II Part/Management :—

Ex. No.	Date	Description
M 1	28-09-95	Xerox copy of the complaint given by Singapore Airlines to the Inspector of Police, Airpopt Police Station
M 2	29-09-95	Xerox copy of the show cause notic issued to Petitioner
M 3	30-09-95	Xerox copy of the letter from Police station to Respondent
M 4	27-09-95	Xerox copy of the cargo manifest
M 5	27-09-95	Xerox copy of the airway bill
M 6	20-09-95	Xerox copy of the tax invoice along with packing list
M 7	26-10-95	Xerox copy of the panchnama
M 8	26-10-95	Xerox copy of the receipt given by Petitioner
M 9	26-07-96	Xerox copy of the letter from Petitioner to Enquiry Committee
M 10	09-02-96	Xerox copy of the notice of enquiry
M 11	05-10-95	Xerox copy of the statement of Security Officer.
M 12	28-09-95	Xerox copy of the statement of Senior Secuirty Assistant.

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1027.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2 धनवाद के पंचाट (Comp. No. 1/1999 Arising out of Ref. No. 230/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2004 को प्राप्त हुआ था।

[सं. एल-20012/145/98-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1027.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Comp. No. 1/1999 Arising out of Ref. No. 230/98) of the Central Government Industrial-Tribunal/Labour Court No. II, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 25-03-2004.

[No. L-20012/145/98-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD****PRESENT:**

SHRI B. BISWAS,
PRESIDING OFFICER.

In the matter of a Complaint under Section 33A of the I.D. Act, 1947

Complaint No. 1 of 1999.

PARTIES:

Shri Dharam Deo Prasad Singh General Mazdoor
NLOCP/CV Area of BCCL

.....Complainant.

Versus

The Chief General Manager, Chanch Victoria Area of M/s.
BCCL, P.O. Barakar, Dist. BurdwanOpp. Party.

(Arising out of Ref. No. 230 of 1998-Ministry's Order No. L-20012/145/98-IR(C-1) dt. 1-12-98).

APPEARANCES:

On behalf of the Complainant : None.

On behalf of the O. P. : None.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 9th March, 2004

AWARD

This is a Complaint petition under Section 33A of the I.D. Act, 1947 filed by the Complainant against the O.P. named above.

In this complaint at petition neither the complainant nor his representative appeared. O.P. management, though appeared on one occasion through their learned Advocate subsequently abstained from appearing before this Tribunal. It reveals from the record that the instant case is pending since 21-1-1999 for disposal and registered notices were issued to both sides. But inspite of issuance of notices they failed to turn up. Therefore, there is reason to believe that the parties are not interested to proceed with the hearing of the instant complaint case. Under the circumstances, the complaint petition is dismissed for default.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1028.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2 धनवाद के पंचाट (Comp. No. 2/1996 Arising out of Ref. No. 71/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2004 को प्राप्त हुआ था।

[सं. एल-20012/40/92आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1028.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Comp. No. 2/1996 Arising out of Ref. No. 71/93) of the Central Government Industrial-Tribunal/Labour Court No. II, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 25-03-2004.

[No. L-20012/40/92-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD****PRESENT:**

SHRI B. BISWAS,
PRESIDING OFFICER

In the matter of a Complaint under Section 33A of the I.D. Act, 1947

COMPLAINT NO. 2 OF 1996**PARTIES:**

Shri S. K. Sahi,
Store Keeper,
Regional Store, BCCL
Bhowra Area,
P.O. Bhowra, Dhanbad Complainant

Versus

The General Manager
Bhowra Area No. XI, BCCL
P.O. Bhowra (Dhanbad and another)

.... Opp. Parties.

(Arising out of Ref. No. 71 of 1993 Ministry's Order No. L. 20012-40-92-I.R.(Coal-I) dt. 28th May, 1993).

APPEARANCES:

On behalf of the Complainant : Mr. S. Bose
Vice-President,
R. C.M.S. Union.

On behalf of the O. Ps. : Mr. H. Nath,
Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 9th March, 2004

AWARD

This is a Complaint under Section 33A of the I.D. Act, 1947 filed by the complainant named above against the opposite Parties mentioned above.

In course of hearing of the instant Complaint petition the representative of the complainant by filing a petition submitted that the complainant is not willing to proceed with the hearing of the case on the ground stated therein. Learned Advocate for the O.Ps raised no objection. On perusal of the petition it transpires that the dispute in question has already been settled and because of the fact the complainant has got reinstatement in service and for which he is not willing to pursue further hearing of the case in question. Prayer is considered and allowed. Accordingly, the Complaint petition is dismissed for non prosecution.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1029.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को०लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण 2 धनबाद के पंचाट (Comp. No. 3/1995 Arising out of Ref. No. 80/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2004 को प्राप्त हुआ था।

[सं. एल-20012/328/92-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1029.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Comp. No. 3/1995 Arising out of Ref. No. 80/93) of the Central Government Industrial Tribunal/Labour Court No. II, Dhanbad now as shown in the Annexure in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 25-03-2004.

[No. L-20012/328/92-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD****PRESENT:**

Shri B. Biswas, Presiding Officer

In the matter of a Complaint under Section 33A of the I.D. Act, 1947

COMPLAINT NO. 3 OF 1995**PARTIES:**

(Arising out of Ref. No. 80/93 Ministry's Order No. L-20012/328/92 I.R. (Coal-I) dt. 6-7-93)

Shri Ram Ratan Singh
Workman of Ms. BCCL
Putki Bahihari Area,
P.O Kusunda, Dist,
Dhanbad

.... Complainant

Versus

The General Manager
Putki Bahihari Area
of M/s Bharat
Coking Coal Ltd.
P.O. Kusunda, Dist. Dhanbad

.... Opp. Parties.

APPEARANCES:

On behalf of the Complainant : None

On behalf of the O.P. : Mr. B.M. Prasad,
Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 9th March, 2004

AWARD

This is a complaint petition under Section 33 A of the I.D Act, 1947 filed by the complainant against the O.P. management named above.

In the case neither the complainant nor his representative appeared. The O.P. management, however, made appearance through their learned Advocate. The instant complaint petition is pending since 1995 for disposal. Record shows that inspite of giving several opportunities the complainant has failed to take any step in support of his case. Therefore, there is reason to believe considering the conduct of the complainant that he is not interested to proceed with the hearing of this case. Accordingly at this stage I do not find any reason to adjourn the case *suo moto*. Hence, the complaint petition is dismissed for default.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1030.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को०लि० के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2 धनबाद के पंचाट (Comp. No. 2/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2004 को प्राप्त हुआ था।

[सं. एल-20012/96/95 आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1030.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Comp. No. 2/98) of the Central Government Industrial Tribunal/Labour Court No. II, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 25-03-2004.

[No. L-20012/96/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of a Complaint under Section 33 A of the I.D. Act, 1947.

COMPLAINT NO. 2 OF 1998

PARTIES:

Shri Lal Muni Rai,
Addl. Genl. Secretary
National Coal Workers Congress,
Water Board Colony,
Hirapur Dhanbad Complainant

Versus

Employers in relation
to the management of Barora
Area No. I, At Rajbari,
Dumper More, P.O. Nowagarh,
Dist. Dhanbad.

.... Opp. Parties.

[Minsity's Order No. L-20012/96/95-IR (Coal-I) dated 8/11-3-96]

APPEARANCES:

On behalf of the Complainant : None

On behalf of the Opp. Party. : Mr. B.M. Prasad,
Advocate.

State : Jharkhand Industry : Coal

Dated Dhanbad, the 9th March, 2004

AWARD

This is a complaint petition under Section 33 A of the I.D Act. 1947 filed by the Complainant against the O.P. management named above.

In this case neither the complainant nor his representative appeared. However, management side appeared through their learned Advocate. It reveals from the record that ample opportunities were given to the complainant for taking steps in the matter of hearing of the instant complaint petition. But inspite of giving sufficient opportunities the complainant failed to turn up. Therefore, there is reason to believe that the complainant is not interested to proceed with the hearing of the complaint

petition filed by him. Under the circumstances, the complaint petition is dismissed for default.

B. BISWAS, Presiding Officer.

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1031.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 80/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-3-2004 को प्राप्त हुआ था।

[सं. एल-20012/586/2001 आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1031.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 80/2002) of the Central Government Industrial Tribunal/Labour Court No. II, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 25-03-2004.

[No. L-20012/586/2001-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

In the matter of a reference U/S. 10(1)(d) (2A) of Industrial Disputes Act, 1947

PARTIES : Employers in relation to the management of Bhowra South Colliery of M/s. BCCL.

AND

Their Workmen

PRESENT :

Shri B. Biswas, Presiding Officer

REFERENCE NO. 80 OF 2002

APPEARANCES :

For the Employers : Shri U. N. Lal, Advocate.

For the Workman : None

State : Jharkhand Industry : Coal.

Dated, the 10th March, 2004

AWARD

By Order No. L-20012/586/2001-I.R. (C-I) dated 7-10-2002 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal.

“क्या भारत कोकिंग कोल लिमिटेड भंवरा साउथ कोलियरी के प्रबंधन द्वारा श्री उपासा बाउरी, माइनर लोडर को सेवा से बरखास्त किया जाना विधिवत, न्यायसंगत एवं सही है। यदि नहीं तो कर्मकार किस राहत के पात्र हैं ?”

2. Neither the concerned workman nor his representative is present on call. Sri. U. N. Lal, Advocate, for the management is present. No written statement has been filed by the parties inspite of giving sufficient opportunity. Considering the conduct of the parties there is sufficient reason to believe that they are not interested to proceed with the hearing of this case.

3. Accordingly, a ‘No Dispute Award’ is passed presuming non-existence of the dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1032.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 137/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं. एल. 20012/325/98-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1032.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 137/1999) of the Central Government Industrial Tribunal/Labour Court, II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of BCCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/325/98-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 137 OF 1999

PARTIES : Employers in relation to the management of
Ms. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. R. N. Ganguly,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 10th March, 2004

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/325/98-IR (C-I), dated, the 22nd May, 2001.

SCHEDULE

"Whether the action of the management of Moonidih Coal Washery in dismissing Sri Vijay Kumar Singh, Weigh Bridge Clerk from services is legal and justified ? If not, to what relief the concerned workmen is entitled ?"

2. In this case neither the concerned workman nor his representative appeared. However, learned Advocate for the management appeared and filed a Settlement petition under signature of both sides. Heard the learned Advocate for the management and also perused the settlement petition. On perusal of the said settlement petition it transpired that the terms contained therein are fair proper and in accordance with the principles of natural justice. Accordingly, I accept the said settlement petition and pass an Award in terms thereof which forms part of the Award as Annexure.

B. BISWAS, Presiding Officer

ANNEXURE

BHARAT COKING COAL LTD WESTERN WASHERY
ZONE MAHUDAMEMORANDUM OF SETTLEMENT ARRIVED AT
BETWEEN THE MANAGEMENT OF WESTERN
WASHERY ZONE, BCCL, MAHUDA AND SHRI
VIJAY KUMAR SINGH, EX-WEIGH BRIDGE
CLERK, MOONIDIH COAL WASHERY

Representing Management

Representing Workman

Shri R. D. Parasar,
Dy. Chief Personnel
Manager, Western
Washery Zone, Mahuda(1) Shri Vijay Kumar Singh
Ex-Weighbridge Clerk
Moonidih Coal
Washery(2) Shri B. N. Roy,
District Secretary,
DCKS(3) Shri Sahdeo Pandey,
Branch Secretary,
DCKS Moonidih Coal
Washery

SHORT RECITAL OF THE CASE

Shri Vijay Kumar Singh, Ex-Weighbridge Clerk, Moonidih Coal Washery was removed from the services of the company with effect from 8-5-98 under the clause 26-1-11 and Clause 26-1-15 of the Certified Standing Order of the company applicable to the employees of the Company.

In the F. D.'s meeting held on 18-11-2000, a decision was taken to re-instate Shri Vijay Kumar Singh, Ex-Weighbridge Clerk, Moonidih Coal Washery, General Manager I/C (P&IR), BCCL, Koyla Bhawan vide his letter No. BCCL/Per/IR/EE/NST/2001/6563 dated 14/17-7-2001 has conveyed the approval of re-instatement of Shri Vijay Kumar Singh, Ex-Weighbridge Clerk, Moonidih Coal Washery as per following terms and conditions.

- (1) To ensure that PF/Gratuity has not been withdrawn.
- (2) To ensure that the case is not sub-judice nor any ID raised before the ALC (C) Conciliation Officer nor pending before CGIT.
- (3) He will discharge his duty with sincerity, devotion and loyalty in the best interest of the company.
- (4) Identity must be established in reference to the Company's records.

- (5) He should not be entitled for any wages nor he should claim for the period of his dismissal and subsequent re-instatement and intervening period shall be construed as dies-non. He shall be entitled for increment after satisfactory completion of one year service after re-instatement.
- (6) He should give undertaking to the effect that he will not repeat any misconduct nor indulge in any act subversive of discipline failing which he shall render himself for stern disciplinary action as per the gravity of the case, in terms of Certified Standing Order as applicable.
- (7) He will be posted at Putkee Balihari Area as Clerk in non-sensitive post.
- (8) He should abide with the Coal Mines Pension Scheme, 1998 and contribution thereof as applicable.

Signature of Parties

Management

Workman

Sd/-

Sd/-

I. D. Parasad
Dy. C.P.M.
W.W.Z. (Mahuda)

(1) Shri Vijay Kumar Singh
Ex-Weighbridge Clerk,
Moonidih W

Witness :

Sd/-

(2) Shri B. N. Roy, District
Secretary D.C.K.S.

1. Sd/- (Illegible)

Sd/-

2. Sd/- (Illegible)

(3) Shri Sahdeo Pandey
Branch Secretary DCKS
Moonidih Washery.

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1033.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधात्मक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, II धनबाद के पंचाट (Comp. No. 3/2002 Arising out of Ref. 228/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं. एल. 20012/272/2001-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1033.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Comp. No. 3/2002 arising out of 228/2001) of the Central Government Industrial Tribunal/Labour Court, II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of BCCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/272/2001-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD**

PRESENT

SHRI B. BISWAS,

Presiding Officer

In the matter of a Complaint under Section 33A of the
I.D. Act, 1947

[Arising out of Reference No. 228 of 2001—Minsitry's
Order No. L-20012/272/2001-I.R (C-I
dated, the 10th August, 2001).]

COMPLAINT NO. 3 OF 1998

PARTIES: Shri Sanjay Paswan,
General Mazdoor,
Sendra Bansjora Colliery
of M/s. BCCL,
P.O. Bansjora, Distt. Dhanbad Complainant

Versus

The General Manager,
Sijua Area of M/s. Bharat
Coking Coal Ltd. Sijua,
Dist. Dhanbad.

.... Opp. Party.

APPEARANCES:

On behalf of the Complainant : None

On behalf of the O.P. management : Mr. D.K. Verma,
Advocate.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 10th March, 2004

AWARD

This is a complaint petition under Section 33A of the
I.D Act. 1947 filed by the Complainant against the O.P.
management named above.

In this case neither the complainant nor his representative appeared. The O.P. management, however, made appearance through their learned Advocate. It transpires from the record that the instant complaint petition is pending since 24-9-2002 for disposal, but inspite of giving ample opportunities the complainant has failed to take any step in support of his case. Therefore, there is reason to believe considering the conduct of the complainant that he is not interested to proceed with the hearing of this case. Accordingly, at this stage I do not find any reason to adjourn the case *suo moto*. Hence, the complaint petition is dismissed for default.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का.आ. 1034.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को० लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 77/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं० एल० 20012/118/2001-आई०आर० (सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1034.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 77/2002) of the Central Government Industrial Tribunal/Labour Court, II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of BCCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/118/2001-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

In the matter of a reference U/s. 10(1)(d) (2A) of
Industrial Disputes Act, 1947

REFERENCE NO. 77 OF 2002

PARTIES : Employers in relation to the management of
Sijua Area of M/s. B. C. C. Ltd.

AND

Their Workmen

PRESENT : SHRI B. BISWAS, Presiding Officer

APPEARANCES:

For the Employers : None.

For the Workman : None.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 10th March, 2004

AWARD

By Order No. L-2012/118/2001-I.R. (C-I) dated 10th July, 2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“क्या भारत कोकिंग कोल लिमिटेड सिजुआ क्षेत्र के प्रबंधतंत्र द्वारा श्री राज बल्लभ गोप को आयु निर्धारण के लिए चिकित्सा बोर्ड न भेजा जाना अथवा उनकी जन्म तारीख माइनिंग सिरदार सर्टीफिकेट के अनुसार 9-4-1948 स्वीकार न करना उचित एवं न्यायसंगत है ? यदि नहीं तो कर्मकार किस राहत के पात्र हैं ?”

2. Neither the concerned workman nor his representative is found present. None appears for the management. Record shows that inspite of giving repeated chance the parties have failed to submit any written statement. As such, at this stage I do not find any sufficient ground to adjourn this case further for filing written statement. Considering the conduct of the parties there is sufficient reason to believe that they are not interested to proceed with the hearing of this case.

3. Accordingly, a ‘No Dispute Award’ is passed presuming non-existence of the dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का.आ. 1035.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को० लि० के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, II धनबाद के पंचाट (संदर्भ संख्या 34/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं० एल० 20012/468/19-आई०आर० (सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1035.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 34/2000) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of BCCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/468/99-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

SHRIB. BISWAS,

Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947,

REFERENCE NO. 34 OF 2000

PARTIES : Employers in relation to the management of
Bastacolla Area of M/s. BCCL and their
workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. D. K. Verma,
Advocate.

State: Jharkhand Industry: Coal.

Dated, Dhanbad, the 12th March, 2004

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/468/99-IR(C-I), dated, the 18th February, 2000.

SCHEDULE

"KYA B.C.C.L. BASTACOLLA KEY
PRAVANDHTANTRA DWARA DINANK 13-8-98
SEY SHRI SANTOSH MAHATO KO SEVA SEY
BARKHAST KIYA JANA NYAYOCHIT EVAM
VIDHIBATH HAI? YADI NAHI TO KARMKAR KIS
RAHAT KEY PATRA HAI?"

2. In this reference neither the concerned workman nor their representative appeared. The management side however, made their appearance through their learned Advocate. It is seen from the record that the instant reference was received by this Tribunal on 2-3-2000 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman/union but in spite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision of the Hon'ble Apex Court reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any written statement and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file Written Statement such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo motu* with the expectations for appearance of the workman in spite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial disputes. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinitely period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1036.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 168/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं. एल. 20012/54/2001-आई.आर. (सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1036.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 168/2001) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/54/2001-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:**SHRIB. BISWAS,**

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947,

REFERENCE NO. 168 OF 2001

PARTIES: Employers in relation to the management of Kustore Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. H. Nath, Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 12th March, 2004

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/54/2001-C-I, dated, the 22nd May, 2001.

SCHEDULE

“Whether the action of the management of BCCL, Kustore Area in regularising S/Shri Lalita Ram and

Patel Oran in Cat. IV instead of Cat. V or Cat. VI and fixing his pay accordingly is justified? If not, to what relief are the said workmen entitled?”

2. In this reference neither the concerned workmen nor their representative appeared. However, management side represented through their learned Advocate. It reveals from the record that several notices were issued to the workmen/union but inspite of giving sufficient opportunities the workmen/sponsoring union has failed to submit Written Statement. Therefore, there is reason to believe that the workmen/sponsoring union is not interested to proceed with the hearing of the case further. As sufficient opportunities have already been given to the workmen side, I do not find any ground to adjourn the case suo moto for the days together. Under the circumstances, a ‘No dispute’ Award is rendered and the instant reference is disposed of on the basis of ‘No Dispute’ Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1037.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इसको के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 52/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं. एल. 20012/458/2000-आई.आर. (सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1037.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 52/2001) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of IISCO, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/458/2000-IR (C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:**SHRIB. BISWAS,**

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 52 OF 2001

PARTIES : Employers in relation to the management of IISCO Ltd. and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 12th March, 2004

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/458/2000 (C-I), dated, the 19th February, 2001.

SCHEDULE

“KYA BIHAR COLLIERY KAMGAR UNION KI MANG HAI KI ‘ROAD HITTER’ KO 31-3-1994 TAK DIYA JATA RAHA UTPADAKATA SEY JUDA ATIRIKT ANUNDAN PURAA STHAPITA KIYA JAYA, NYAYOCHIT, SANVIDHIK EVAM SAHIHA? YADIHA TO IISCO, JITPUR COLLIERY KEY SAMVANDHIT KARMKAR KIS RAHAT KEY PATRA HAI, TATHA KIS TARIKH SEY ?”

2. In this reference neither the concerned workman nor his representative appeared. Management side also failed to appear in this case. It reveals from the record that in spite of giving sufficient opportunities the concerned workman failed to submit Written Statement. As such there is reason to believe that the concerned workman/union is not interested to proceed with the hearing of the case. Under the circumstances, a ‘No dispute’ Award is rendered and the instant reference is disposed of on the basis of ‘No Dispute’ Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1038.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 141/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं. एल. 20012/300/98-आई.आर. (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1038.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 141/1999)

of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of BCCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/300/98-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRIB. BISWAS,

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 141 OF 1999

PARTIES : Employers in relation to the management of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : Mr. S. N. Goswami, Advocate.

On behalf of the employers : Mr. D. K. Verma, Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 12th March, 2004

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/300/1998IR (CM-I), dated, the 19th February, 1999.

SCHEDULE

“Whether the action of the management of M/s. BCCL in dismissing to Sh. Dil Chand Bhiya of Govindpur Colliery is legal and justified? If not to what relief the concerned employee is entitled to?”

2. In this reference both the parties appeared through their learned Advocate and filed Written Statement. Subsequently when the case was fixed learned Advocate for the concerned workman submitted that the concerned workman is not interested to proceed with the hearing of this case and for which necessary order may be passed. Learned Advocate for the management raised no objection in view of the submission made by the learned Advocate for the concerned workman. In view of the submission of the learned Advocate for the concerned workman there is sufficient reason to believe that the

concerned workman is not interested to proceed with the hearing of this case. Under the circumstances, a the 'No dispute' Award is rendered and the instant reference is disposed of on the basis of 'No Dispute' Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1039.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 8/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं. एल. 20012/382/99-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1039.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2000) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of BCCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/382/99-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI B. BISWAS,

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 99 OF 1997

PARTIES : Employers in relation to the management of Western Jharia area of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Mr. B. M. Prasad, Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 12th March, 2004

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/382/1999-(C-I), dated, the 20th January, 2000.

SCHEDULE

"KYA B.C.C.L. WEST JHARIA KSHETRA KE PRAVANDHTANTRA DWARA SHRI LAKHAN BHUIA KO UNKO BIMARI KEY KARAN ANOPASTITHI KE PASCHAT SEVA KEY JOIN NO KARBAYA JANA UCHIT EVAM NAYA SANGATH HAI? YADI NAHI TO KARMAKAR KIS RAHAT KE PATRA HAI?"

2. In this reference neither the concerned workman nor his representative appeared. Management side however, made their appearance through their learned Advocate. It is seen from the record that the instant reference was received by this Tribunal on 31-1-2000 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman/union but inspite of issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workmen within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workmen/union to assist the Court to dispose of the reference in issue on merit. In view of the decision of the Hon'ble Apex Court reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any written statement and available documents. There is not dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file Written Statement such expectation to dispose of the reference on merit comes to an end. It is not expected tat for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman inspite issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial disputes. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices did not care to appear before the Court for the interest of the workmen and as a result they have deprived of getting any justice. Untill and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it

depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1040.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 227/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं. एल-20012/274/2001-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1040.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 227/2001) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of BCCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/274/2001-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas,

Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 227 of 2001

PARTIES : Employers in relation to the management of
Sijua Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. D. K. Verma,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 12th March, 2004

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/274/2001-IR(C-I), dated, the 10th August, 2001.

SCHEDULE

“Whether the action of the management of BCCL, in dismissing Shri Chhotan Bhuia from service is justified ? If not to what relief is the concerned workman entitled ?”

2. In this reference neither the concerned workman nor his representative appeared. Management side however, made their appearance through their learned Advocate. It is seen from the record that the instant reference was received by this Tribunal on 20-9-2001 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman/union but inspite of issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision of the Hon'ble Apex Court reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W. S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W. S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial disputes. The disputes are mainly raised by the Union for their workman. These unions inspite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty

of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1041.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 200/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं. एल.-20012/531/97-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1041.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 200/1998) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/531/97-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas,

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 200 of 1998

PARTIES : Employers in relation to the management of Bhowra (N) U.G. Mines of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand

Industry :

Coal

dated, Dhanbad, the 12th March, 2004

AWARD

The Government of an India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/531/97-Coal-I, dated, the 30th November, 1998.

SCHEDULE

“Whether the action of the management of Bhowra (N) U. G. Mines of M/s. BCCL in dismissing Sri Mansoor Ansari w.e.f. 13-3-96 from the services of the company is justified? If not, to what relief the workman is entitled?”

2. In this reference workman side on one occasion appeared and filed written statement. Management side also appeared on two occasions. But subsequently, both of them abstained from appearing before this Tribunal for necessary steps in the matter of hearing of the instant reference. It reveals from the record that ample opportunities were given to the parties but in spite of giving sufficient opportunities they failed to turn up. It transpires from the record that the instant reference is pending for disposal since 31-12-1998. As since the parties have failed to turn up, there is reason to believe that they are not interested to proceeding with the hearing of the instant reference. Under such circumstances, a ‘No dispute’ Award is rendered and the instant reference is disposed of on the basis of ‘No Dispute’ Award presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1042.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 104/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं. एल.-20012/94/2000-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1042.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 104/2000) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers

in relation to the management of CCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/94/2000-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI B. BISWAS,

Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 104 OF 2000

PARTIES : Employers in relation to the management of
Rajarappa Project of M/s. CCL and their
workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Mr. D. K. Verma,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 12th March, 2004

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/94/2000-IR(C-I), dated, the 7th September, 2000.

SCHEDULE

"Whether the action of the management of Rajarappa Project of M/s. CCL, in recording date of birth in service sheet of Shri Huro Mondal, Arm Guard, Rajarappa Project, C. C. Ltd., as 26-2-40 is legal and justified ? If not, to what relief is the concerned workman entitled ?"

2. In this reference neither the concerned workmen nor his representative appeared. The management side however, made their appearance through their learned Advocate. It is seen from the record that the instant reference was received by this Tribunal on 29-9-2000 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman/union but inspite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workmen within 15

days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workmen/union. Naturally responsibility rests with the concerned workmen/union to assist the Court to dispose of the reference in issue on merit. In view of the decision of the Hon'ble Apex Court reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any written statement and available documents. There is not dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file Written Statement such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with expectations for appearance of the workman inspite issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial disputes. The disputes are mainly raised by the Union for the workmen. These unions inspite of receiving notices did not care to appear before the Court for the interest of the workmen and as a result they have been deprived of getting any justice. Untill and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2004

का. आ. 1043.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, II धनबाद के पंचाट (संदर्भ संख्या 169/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-03-2004 को प्राप्त हुआ था।

[सं. एल. 20012/173/2000—आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd April, 2004

S.O. 1043.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 169/2000) of the Central Government Industrial Tribunal/Labour Court, II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to management of BCCL, and their workman, which was received by the Central Government on 25-03-2004.

[No. L-20012/173/2000-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI B. BISWAS,

Presiding Officer

In the matter of Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 169 OF 2000

PARTIES : Employers in relation to the management of
M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Mr. B. M. Prasad,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 12th March, 2004

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/173/2000-IR(C-1), dated, the 18th October, 2000.

SCHEDULE

“KYA RASHTRIYA COLLIERY MAZDOOR
SANGH KI MANG KI SHRI SHIV CHARAN
BARHI KO DINANK 1-10-95 SEY EX-GRADE E
MEY FITTER HELPER NIYAMITA KIYA JAYA
TATHA MAY 1998 SEY EX. GRADE D MEY
PADANNOT KIYA JAYA UCHIT EVAM NAYA
SANGAT HAI? YADI HA TO KARMKAR KIS
RAHAT KEY PATRA HAI?”

2. In this reference neither the concerned workmen nor his representative appeared. Management side

however, made their appearance through their learned Advocate. It is seen from the record that the instant reference was received by this Tribunal on 24-11-2000 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman/union but inspite of the issuance of notices they failed to turn up. In terms of Rule 10B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by the Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workmen/union. Naturally responsibility rests with the concerned workmen/union to assist the Court to dispose of the reference in issue on merit. In view of the decision of the Hon'ble Apex reported in 2002 (94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any written statement and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter suo moto with the expectations for appearance of the workman inspite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial disputes. The disputes are mainly raised by the Union for their workmen. These unions inspite of receiving notices did not care to appear before the Court for the interest of the workmen and as a result they have been deprived of getting any justice. Untill and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinitely period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer